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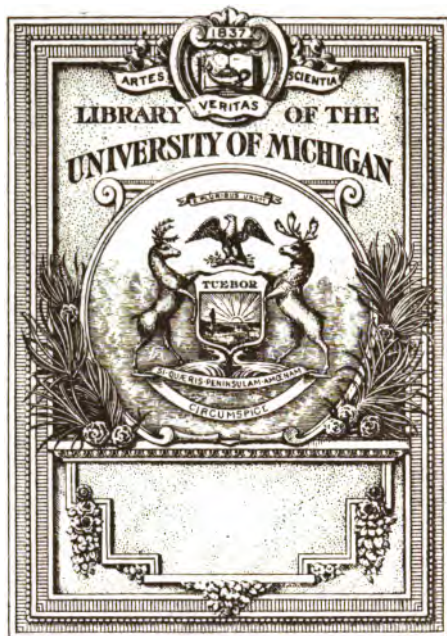
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REVISED ORDINANCES
OF 1907-8

Charter and Ordinances

OF THE

City of Ann Arbor, *Charter*

PRINTED BY AUTHORITY
OF THE COMMON COUNCIL

COMPILERS:
J. W. DWYER
S. W. BEAKES

ANN ARBOR, MICHIGAN
1908

THE ANN ARBOR PRESS
ANN ARBOR, MICH.



CHARTER
OF
ORDINANCES

City of Ann Arbor
1908



Officers of the City Government of Ann Arbor

FOR THE YEAR 1907-1909

| | |
|-------------------------------|--------------------|
| Mayor | JAMES C. HENDERSON |
| President of Council..... | WILLIAM L. WALZ |
| City Clerk | ROSS GRANGER |
| City Assessor | SAMUEL W. BEAKES |
| Justices | { WM. G. DOTY |
| | { ANDREW GIBSON |
| City Attorney | JOHN W. DWYER |
| City Treasurer | DAVID A. HAMMOND |
| Chief of Police..... | THEODORE C. APFEL |
| Chief of Fire Department..... | CHARLES J. ANDREWS |
| Street Commissioner | JOHN WISNER |
| City Engineer | E. W. GROVES |
| City Physician | ELLIOT K. HERDMAN |
| City Poor Master..... | MICHAEL J. MARTIN |

Aldermen

| | |
|--------------------|---------------------------|
| First Ward | { VERNOR L. SNAUBLE |
| | { WILLIAM H. STARK |
| Second Ward | { EMANUEL L. SCHNEIDER |
| | { HENRY J. HOCHREIN |
| Third Ward | { CLARENCE J. SWEET |
| | { J. FREDERICK MAULBETSCH |
| Fourth Ward | { JOHN W. MARKEY |
| | { BRUNO ST. JAMES, JR. |
| Fifth Ward | { EDWARD B. MANWARING |
| | { ISAAC L. SHERK |
| Sixth Ward | { GEORGE BLAICH |
| | { WILLIAM GOODYEAR |
| Seventh Ward | { GEO. H. FISCHER |
| | { HORATIO J. ABBOTT |

Board of Public Works

| | |
|-----------------------------------|-------------------------|
| First Ward | ARTHUR C. NICHOLS |
| Second Ward | CHRISTIAN SCHLENKER |
| Third Ward | WESLEY E. HOWE |
| Fourth Ward..... | WIRT CORNWELL |
| Fifth Ward | GEORGE W. HUBBARD |
| Sixth Ward | ARTHUR E. MUMMERY |
| Seventh Ward | EVART H. SCOTT |
| Board of Fire Commissioners..... | { MOSES SEABOLT |
| | { SID W. MILLARD |
| | { GEORGE E. APFEL |
| Board of Health..... | { DR. JAMES F. BREAKEY. |
| | { H. B. DODSLEY |
| | { HENRY J. BROWN |
| Board of Building Inspectors..... | { HERMAN KRAFF |
| | { GEORGE SCOTT |
| | { W. C. JACOBUS |
| Board of Park Commissioners..... | { DAVID F. ALLMENDINGER |
| | { ROYAL S. COPELAND |
| | { GEORGE P. BURNS |
| | { LEVI D. WINES |
| | { HENRY W. DOUGLAS |

Supervisors

| | |
|-------------------|--------------------|
| First Ward..... | EDWARD HISCOCK |
| Second Ward..... | EUGENE OESTERLIN |
| Third Ward..... | FRANK PARDON |
| Fourth Ward | HERMAN KRAFF |
| Fifth Ward..... | GEORGE W. WEEKS |
| Sixth Ward..... | A. F. MARTIN |
| Seventh Ward..... | BERT F. SCHUMACHER |

MAYORS OF THE CITY OF ANN ARBOR

| | From April | To April |
|---------------------------|---------------|-------------|
| GEORGE SEDGWICK | 1851 | 1853 |
| EDWIN R. TREMAIN | 1853 | 1855 |
| JAMES KINGSLEY | 1855 | 1856 |
| WILLIAM S. MAYNARD | 1856 | 1858 |
| PHILIP BACH | 1858 | 1859 |
| ROBERT J. BARRY | 1859 | 1861 |
| JOHN F. MILLER | 1861 | 1862 |
| CHARLES SPOOR | 1862 | 1863 |
| EBENEZER WELLS | 1863 | 1865 |
| WILLIAM S. MAYNARD | 1865 | 1866 |
| OLIVER M. MARTIN | 1866 | 1868 |
| CHRISTIAN EBERBACH | 1868 | 1869 |
| ALFRED H. PARTRIDGE | 1869 | 1870 |
| WILLIAM D. HARRIMAN | 1870 | 1871 |
| SILAS H. DOUGLASS | 1871 | 1873 |
| HIRAM J. BEAKES | 1873 | 1875 |
| EDWARD D. KINNE | 1875 | 1877 |
| DENSMORE CRAMER | 1877 | 1878 |
| WILLARD B. SMITH | 1878 | 1880 |
| JOHN KAPP | 1880 | 1883 |
| WILLIAM D. HARRIMAN | 1883 | 1885 |
| JOHN KAPP | 1885 | 1886 |
| JOHN J. ROBISON | 1886 | 1887 |
| WILLARD B. SMITH | 1887 | 1888 |
| SAMUEL W. BEAKES | 1888 | 1890 |
| CHARLES H. MANLY | 1890 | 1891 |
| WILLIAM G. DOTY | 1891 | 1893 |
| BRADLEY M. THOMPSON | 1893 | 1894 |
| CYRENUS G. DARLING | 1894 | 1895 |
| WARREN E. WALKER | 1895* | 1897 |
| CHARLES E. HISCOCK | 1897 | 1899 |
| GOTTLOB LUICK | 1899 | 1901 |
| ROYAL S. COPELAND | 1901 | 1903 |
| ARTHUR BROWN | 1903 | 1905 |
| FRANCIS M. HAMILTON | 1905 | 1907 |
| JAMES C. HENDERSON | 1907 | 1909 |

PRESIDENTS OF THE COUNCIL

(This position was established as an elective city office by the
charter of 1889.)

| | From April | To April |
|--------------------------|---------------|-------------|
| FRED H. BELSER | 1889 | 1891 |
| MORTIMER E. COOLEY | 1891 | 1893 |
| WILLIAM W. WATTS | 1893 | 1894 |
| LEVI D. WINES | 1894 | 1895 |
| CHARLES E. HISCOCK | 1895* | 1897 |
| GOTTLOB LUICK | 1897 | 1899 |
| WALTER T. SEABOLT | 1899 | 1901 |
| JOHN W. HAARER | 1901 | 1903 |
| JOHN C. WALZ, JR. | 1903 | 1905 |
| EUGENE S. GILMORE | 1905 | 1907 |
| WILLIAM L. WALZ | 1907 | 1909 |

* In March, 1895, the term of office of Mayor and President of the Council was extended to two years.

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CHARTER

OF THE

CITY OF ANN ARBOR

AN ACT to reincorporate the City of Ann Arbor, revise the Charter of said city and repeal all conflicting acts relating thereto, being act number three hundred and thirty-one (331) of the local acts of Michigan of 1889, approved March 15, 1889, as amended by act number two hundred and sixty-two (262) of the local acts of 1891, approved March 28, 1891, as amended by act number two hundred and eighty-two (282) of the local acts of 1891, approved April 10, 1891, as amended by act number three hundred and sixty-eight (368) of the local acts of 1893, approved April 27, 1893, and as amended by act number three hundred and thirty-six (336) of the local acts of 1895, approved March 15, 1895.

Incorporation and Boundaries.

SECTION 1.* *The People of the State of Michigan enact*: Commencing at the southeast corner of section thirty, township two south, range six east, Washtenaw County, Michigan, thence north along the east line of section thirty to a point twelve rods south of the south line of Liberty street, thence westerly on a

* As amended April 27, 1893.

line parallel with Liberty street to the east line of the west half of the southeast quarter of section thirty, thence north to the east and west center line of said section thirty, thence west on said center line to the center of section thirty, thence north on the center line of section thirty to a point twelve rods south of the south line of Jackson road, thence west parallel with and twelve rods from the Jackson road to the intersection of the west line of Grand View plat, projected southerly, thence north along the west boundary of said plat extended north to a point twelve rods north of the Dexter road, thence southeasterly parallel to and twelve rods from the Dexter road to the east line of the west half of the northeast quarter of section thirty, thence north along the last mentioned line to the northwest corner of the east half of the northeast quarter of section thirty, thence east along the north line of section thirty to the southeast corner of section nineteen, thence north along the east line of section nineteen to a point nine hundred and forty-five feet north of the east quarter post of section nineteen, thence west at right angles to the east line of section nineteen three hundred and fifty feet, thence north parallel with said section line five hundred feet to the east and west center line of the northeast quarter of section nineteen, thence east along the center lines of the north halves of sections nineteen, twenty and twenty-one, to the northeast corner of the southwest quarter of the northeast quarter of section twenty-one, thence south parallel with the east line of section twenty-one to the river bank, thence southerly along the easterly bank of the Huron river to the east line of section twenty-eight, thence south along the east line of sections twenty-eight and thirty-three to the southeast corner of the northeast quarter of the southeast quarter of section thirty-three, thence west parallel with the section lines

to the west line of section thirty-three, thence north along the west line of section thirty-three to the west quarter post of section thirty-three, thence west along the center line of section thirty-two to the west line of section thirty-two, thence north along the west line of section thirty-two to the place of beginning, be and the same is hereby set off from said township and declared to be a city, by the name of the City of Ann Arbor; and the freemen of said city from time to time being inhabitants thereof, shall be and continue to be a body corporate and politic, by the name and style of "The City of Ann Arbor," and by that name it shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits; they may have a common seal, which the common council may alter at pleasure, and shall be capable of purchasing, holding, conveying and disposing of real and personal estate for the use of said corporation.

SEC. 2.* The city shall be divided into seven wards, as follows: The first ward shall embrace all that part of the city lying south of Huron street, east of Main street, west of State street and north of Madison street; the second ward shall embrace all that portion of the city lying south of Huron street and Jackson avenue and west of Main street and the Ann Arbor and Lodi plank road; the third ward shall embrace all that portion of the city lying north of Huron street and Jackson avenue, and south of the Huron river, and west of Fourth avenue, extending to the River Huron; the Fourth ward shall embrace all that portion of the city lying north of Huron street and of the line of Huron street as extended easterly to the city limits south of the River Huron and east of Fourth avenue; the fifth ward shall embrace all that

* As amended March 15, 1895.

portion of the city lying northeast of the Huron river; the sixth ward shall embrace all that portion of the city lying south of Huron street and of the line of Huron street as extended easterly to the city limits, and east of State street from its intersection with Huron street to its intersection with Monroe street, and north of Monroe street from its intersection with State street to its intersection with East University avenue, and east of East University avenue from its intersection with Monroe street to its intersection with Hill street, and north of Hill street from its intersection with East University avenue to its intersection with Washtenaw avenue and northeasterly of Washtenaw avenue from its intersection with Hill street to the city limits; the seventh ward shall embrace all that portion of the city lying east of Main street and the Ann Arbor and Lodi plank road, and south of Madison street from its intersection with Main street to its intersection with State street, and west of State street from its intersection with Madison street to its intersection with Monroe street, and south of Monroe street from its intersection with State street to its intersection with East University avenue and west of East University avenue from its intersection with Monroe street to its intersection with Hill street and south of Hill street from its intersection with East University avenue to its intersection with Washtenaw avenue and southwesterly of Washtenaw avenue from its intersection with Hill street to the city limits. The aforesaid divisions are made by the actual or supposed continuation of the center line of each of the said division streets in the present direction thereof: *Provided*, That at least ten days before the first election in and for the additional ward created by this act, the common council shall appoint three electors, residing in the territory formed into the seventh ward, by this

act, as inspectors of the first election therein, and cause notice to be given by the city clerk at least eight days previous to said election, in manner prescribed by section eight of the charter of the City of Ann Arbor. Such notice shall state the time and place in the said seventh ward of holding said first election, and of the city and ward officers to be elected, and of the time and place in said ward where the said inspectors of election will meet on the Wednesday next preceding said first election to make a registration of the electors in said seventh ward, and that no person unless registered in the registry book of said ward will be permitted to vote at such election. The inspectors of election, appointed as herein provided, shall constitute a board of registration for said seventh ward, for the purpose of making the first registry of the electors therein. They shall take and file with the city clerk the constitutional oath of office and shall meet in the said seventh ward on the days and times and at the place appointed in the notice of the said first election and there make a registry of all persons in said ward who are qualified electors, in accordance with the general laws of the State of Michigan and the provisions of the charter of said city in force at the time of said registration. Such registry when completed shall be the registry of the electors of said seventh ward. Said inspectors of such first election in said seventh ward shall have the same powers, perform the same duties at, and conduct such election as nearly as may be in accordance with the provisions of the charter of said city, except as herein otherwise provided.

SEC. 3. The common council shall have power, by ordinance duly passed, to divide any ward which shall have polled more than six hundred votes at the last preceding general election, into polling precincts,

which precincts shall be as nearly equal as possible in point of population, and the common council shall have the power to provide for separate re-registration for each polling precinct when any such precinct shall be created, and the registration of electors for all elections shall be conducted in each precinct as nearly as possible as the elections are conducted in the several wards, and no voter shall vote in other than the precinct in which he shall reside. The common council shall also provide registration books for any ward that shall be so divided—one for each precinct—and the board of registration shall be as constituted by this act, but each voter's name shall be registered in the book provided for the precinct in which he resides. The returns of the elections in precincts shall be made and canvassed in the same manner as in wards, and the word precinct in elections shall, to all intents and purposes, be synonymous with the word ward.

Electors and Registration.

SEC. 4. The inhabitants of said City of Ann Arbor, having the qualifications of electors under the constitution and laws of the State, and no others, shall be electors therein.

SEC. 5.* At all elections in said city every elector shall vote in the ward where he shall have resided during twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward in which he rooms and lodges.

SEC. 6. Any person offering to vote at any election held in said city, shall, if challenged by an elector of the ward in which he offers to vote, take, before his vote shall be received, one of the oaths or affirma-

* As amended March 15, 1895.

tions provided by the laws of the State for electors at general elections, which oath may be administered by either of the inspectors of election. Upon taking such oath or affirmation, if duly registered in said ward, he shall be permitted to vote.

SEC. 7. The supervisor and aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If by any reason there shall not be a full board of registration, the common council shall supply any vacancy or appoint a board of registration for the ward.

SEC. 8. A new and complete registration of electors shall be made in the several wards on Tuesday and Wednesday preceding the general election to be held in the year 1890, and on the Tuesday and Wednesday preceding the general election to be held every eighth year thereafter, for which purpose the several ward boards shall be and remain in session at such places as the common council shall direct, from eight o'clock in the forenoon to eight o'clock in the afternoon of the days before named. Notice of such sessions and registration shall be given as provided in section two of "An act to further preserve the purity of elections and guard against the abuse of the election franchise by a registration of electors," approved February 14, 1859, and registration books of the form prescribed by statute and now in use in said city shall be provided under the direction of the common council. The rules and regulations prescribed in the act before cited, shall be observed and carried out in making the registration hereby ordered, and when any new registration shall have been completed under the provisions of this act the registry books prior thereto in use in said city shall be deemed invalid, and no person shall vote at any election in any ward of said city whose name shall not be entered in the

new register made under the provisions of this act, or be afterwards properly entered in such new register, according to the provisions of the act aforesaid and this act.

SEC. 9. Sessions of the board of registration shall be held in the several wards on the Tuesday preceding each general election of state and county officers at which a new and complete registration is not ordered for the purpose of registering new electors in said ward registration books in the manner prescribed in the aforesaid act, like notice to be given as provided by section six of said act, which session shall commence at 8 o'clock in the forenoon and close at 8 o'clock in the afternoon, and on the Wednesday preceding such general election the said board of registration shall hold a session at the common council room, in said city, from nine o'clock in the forenoon until four o'clock in the afternoon for the purpose of comparing, revising, correcting and completing the several ward registration lists. At such session the presence of two members of each ward board of registration shall be necessary to constitute a quorum. Applicants for registration, being duly qualified electors, may register at such session, and the names of electors who have removed or died since the preceding election shall be erased with red ink, with the remark "dead" or "removed," with the date of erasure. If the name of any elector shall be erased by mistake such elector may be re-registered on the day of election as provided by section eighteen of the act hereinbefore cited.

SEC. 10. Sessions of the boards of registration shall be held in the several wards on the Wednesday preceding each charter or special election for new registration, and correction of the registry books, such sessions to be noticed and conducted as provided for

by the act before cited, except that the erasure of the names of electors who have removed or died shall be made as provided in the preceding section. Such sessions shall commence at eight o'clock in the forenoon and close at eight o'clock in the afternoon; *Provided*, That in giving notice of registration for a special election, it shall not be necessary to print the names of the electors then duly registered.

SEC. 11. Two members shall at all times be present during the session of each ward board of registration.

Elections.

SEC. 12. An annual city charter election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the common council shall designate.

SEC. 13. Special elections may be appointed by resolution of the common council, to be held in and for the city, or in and for any ward thereof, at such time and place, or places, as the common council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election.

SEC. 14. Whenever a special election is to be held the common council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and such election shall be conducted in the same manner as the annual charter elections.

SEC. 15. Notice of the time and place or places of holding any election, and of the officers to be elected,

and the question to be voted upon, shall, except as herein otherwise provided, be given by the city clerk at least ten days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a newspaper published in the city, the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election: *Provided*, That if any election of officers under the act shall not be held on the day when it ought to have been held, the said corporation shall not be dissolved, but it shall be lawful to hold such election at any time thereafter, public notice being given as provided in this act.

SEC. 16. The common council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

SEC. 17.* At all charter elections, the polls shall be open in each ward at the several places designated by the common council at seven o'clock in the morning and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors of election shall cause proclamation to be made of the opening and closing of the polls.

SEC. 18. The supervisor and two aldermen of each ward shall, except as herein otherwise provided, be the inspectors of election. When any ward shall have been divided into precincts, the common council shall appoint, on the nomination of the mayor, such additional inspectors of election as shall be necessary to constitute a board of three inspectors for each of said

* As amended March 15, 1895.

precincts; and if at any election any of the inspectors shall not be present or remain in attendance, the electors present may choose *viva voce* such number of such electors, as with the inspector or inspectors present, shall constitute a board of three in number, and each such elector so chosen shall be inspector of that election.

SEC. 19. The supervisor, if present, shall be chairman of the board, and in his absence the inspectors shall appoint one of their number chairman; and said inspectors shall appoint two electors to be clerks. The inspectors chosen and clerks appointed shall take the constitutional oath of office, which oath may be administered by either of the inspectors, or by a justice of the peace or notary public.

SEC. 20. All elections held under the provisions of this act shall be conducted as nearly as may be in the manner provided by law for holding general elections in this state, except as herein otherwise provided; and the inspectors of such elections shall have the same power and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes as are conferred by the law upon inspectors of general elections held in this state.

SEC. 21. The electors shall vote by ballot, and the same ballot shall contain the names of the persons designated as officers for the city and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon, shall be separate and be deposited in a separate box.

SEC. 22. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of office, the term for which any person is so voted, shall be designated on the ballot.

SEC. 23. It shall be the duty of the inspectors on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The clerks shall also write the names of the electors voting at such elections, in the poll lists to be kept by them. And such lists shall be so kept as to show the number and the names of the electors voting upon any question or proposition submitted to the vote of [the] electors.

SEC. 24. Immediately after closing the polls, the inspectors of election shall without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day or on the next day, make a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person; the whole number of votes given upon each question voted upon, and the number of votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with such poll lists, the register of electors and the boxes containing said ballots, in the office of the city clerk.

SEC. 25. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this state, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at such general elections.

SEC. 26. The common council shall convene on the Thursday next succeeding each election, at their usual

place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons are duly elected at said election to the several offices respectively; and thereupon the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively, one of which certificates he shall file in the office of the clerk of the county of Washtenaw and the other shall be filed in the office of the city clerk.

SEC. 27. The person receiving the greatest number of votes for any city or ward office shall be deemed to have been duly elected to such office, and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the common council shall at the meeting mentioned in the preceding section determine by lot between such persons, which shall be considered election to such office.

SEC. 28. It shall be the duty of the city clerk, within five days after the meeting and determination of the common council, as provided in section 27 [26], to notify each person elected, in writing, of his election, and he shall also, within five days after the common council shall appoint any person to any office, in like manner notify such person of such appointment.

SEC. 29. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report in writing to the common council the names of the persons elected or appointed to any office who shall have neglected to file such oath and bond or security for the performance of the duties of the office.

Officers.

SEC. 30. The following city officers, viz.: A mayor, president of the common council, city clerk, two justices of the peace and an assessor shall be elected by the qualified voters of the whole city, and a supervisor, two aldermen and a constable shall be elected in each ward.

SEC. 31.* The following officers shall be appointed by the mayor, subject to the approval of a majority of the members-elect from the common council, viz.: A city treasurer, a city attorney, members of the board of public works, members of the board of fire commissioners and members of the board of health. The common council may also, from time to time provide by ordinance for the appointment, and appoint for such term as may be provided in any such ordinance, such other officers whose election or appointment is not herein specially provided for, as the common council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

SEC. 32. Appointments to office by the mayor, except appointments to fill vacancies, shall, unless otherwise provided, be made on the first Monday in May in each year; but appointments which for any cause shall not be made on this day may be made at any subsequent regular meeting of the common council.

SEC. 33.* The mayor, president of the common council, city clerk, assessor and aldermen shall hold their offices for the term of two years from the second Monday in April in the year when elected, and until their successors are elected and qualified: *Provided*, That in said seventh ward created by this act, there shall be elected at the first charter election held after

* As amended March 15, 1895.

the passage of this act, two aldermen, one for the term of one year and one for the term of two years from the second Monday in April of the year when elected, and until their successors are elected and qualified. The term of each shall be designated by the ballots cast for him, and each year thereafter one alderman shall be elected in said ward.

SEC. 34.* The supervisors and constable shall hold their offices for the term of one year from the second Monday in April of the year when elected, and until their successors qualify and enter upon the duties of their offices. The justices of the peace shall be elected for the term of four years from the fourth day of July next after their election, one to be elected each alternate year.

SEC. 35. All other officers, except as hereinafter provided, appointed by the mayor and common council or boards of the city, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday in May next after such appointment and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act or by an ordinance duly enacted.

Qualifications, Oath, Official Bond.

SEC. 36. No person shall be elected or appointed to any office, unless he be an elector of said city, and if elected or appointed for a ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or any board of officers thereof, or to any school district, county or other municipal corporation of the state. All votes for, or any appointment of, any such defaulter shall be void.

* As amended March 15, 1895.

SEC. 37. Justices of the peace elected in said city shall take and file an oath of office with the county clerk, of the county of Washtenaw, within the same time and in the same manner as in the cases of justices of the peace elected in townships. All other officers elected or appointed in the city, shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the state, and file the same with the city clerk.

SEC. 38. Officers elected or appointed, except justices of the peace, before entering upon the duties of their offices and within the time prescribed for the filing of their official oaths, shall file with the city clerk such a bond or security as may be required by law or by any ordinance or requirement of the common council, and with such sureties, who shall justify in writing and under oath, as required by the laws of this state, as shall be approved by the common council for the due performance of the duties of their office, except that the bond or security of the city clerk shall be deposited with the city treasurer.

SEC. 39. The common council may also, at any time, require any officer, whether elected, or appointed, to execute and file with the city clerk new official bonds in the same or in such further sums, and with new or with such further sureties as said common council may deem requisite for the interest of the corporation. Any failure to comply with such requirements shall subject the officer to immediate removal by the common council.

Vacancies in Office.

SEC. 40. Resignation of officers shall be made to the council, subject to their approval and acceptance

SEC. 41. If any officer shall cease to be a resident

of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter, the office shall thereby be vacated.

SEC. 42. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office within the time herein limited therefor, the common council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

SEC. 43. A vacancy in the office of mayor, president of the council, justice of the peace or aldermen, occurring more than ninety days preceding annual election, may be filled at a special election on the order of the common council. A vacancy in the office of justice of the peace or alderman, occurring within ninety days preceding an annual election, shall be filled at such annual election. A vacancy occurring in the office of the city clerk may be filled by appointment by the mayor, confirmed by a majority of the members elect of the common council, unless said officer has more than one year to serve at the time such vacancy shall occur, in which case it shall be filled at the next ensuing election, and the mayor, with the consent of the council, shall appoint a city clerk to act until such election: *Provided*, That vacancies occurring within ninety days preceding any state election may be filled thereat; vacancies in other offices shall be filled by the mayor, subject to the approval of a majority of the members elect of the common council.

SEC. 44. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liabilities incurred by him or them.

SEC. 45. Whenever an officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally, for a like offense, under the general laws of the state, now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provision of such general laws of the state.

Duties of Officers—The Mayor.

SEC. 46. The mayor shall be the chief executive officer of the city, and shall from time to time give to the common council information, in writing, concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, and to see that the laws relating to the city and the ordinance and regulations of the common council are enforced.

SEC. 47. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of city ordinances or laws of the state, and to suppress riot and disorderly conduct.

SEC. 48. The mayor shall have authority at all times to examine and inspect the books, records and papers of any agent, employe or officer of the city, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

SEC. 49. In the absence or disability of the mayor, or in case of any vacancy in his office, the president of the common council shall perform the duties of the mayor.

Aldermen.

SEC. 50. The aldermen of the city shall be members of the common council, attend all the meetings thereof, and act upon committees when thereunto appointed by the president of the council. As conservators of the peace they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city.

City Clerk.

SEC. 51. The city clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the city, not by this act or by the ordinances of the city entrusted to some other officer; he shall be clerk of the common council, shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted, and report the same with the amount thereof to the common council monthly; he shall, when required, make and certify, under seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be. He shall possess and exercise the powers and duties of township clerk so far as the same are required to be performed within the city, and shall have authority to administer oaths and affirmations. He shall be entitled to a fee of fifty cents for each and every license issued by him, to be paid by the person obtaining the same. The city clerk may, subject to the approval of the common council, appoint a deputy, and such deputy may perform any and all the duties of such clerk: *Provided,*

That said deputy shall receive no compensation from the city.

SEC. 52.* The city clerk shall, in addition to his duties as clerk, exercise the powers and functions of a city comptroller. He shall sign all cemetery deeds and orders upon the treasury. He shall countersign all bonds and all evidences of debt and transfer of property which the common council is authorized to make, pledging the faith of said city. He shall receive all accounts and demands against the city, shall examine them in detail, audit or allow them or such part thereof as to the correctness of which he has no doubt and which the claimant is willing to accept in full discharge thereof, file and number them as vouchers with the date thereof, and report his findings to the finance committee of the common council, who shall review such report and transmit the same to the common council with its recommendation as to the allowance or disallowance of such claims or any of them, and no claim so audited shall be binding against the city until approved by a vote of the common council, and when such claim is allowed by the common council, the city clerk shall draw his warrant upon the city treasurer for the payment thereof, designating thereon the fund from which the payment is to be made, but no warrant shall be drawn on any fund after the same has been exhausted and any warrant so drawn shall be void. When any tax or money shall be levied, raised or appropriated, he shall report the amount thereof to the city treasurer, stating the object and fund for which it is levied, raised or appropriated and the amount thereof to be credited to each fund. The city clerk shall sign all contracts and agreements on behalf of the city except as otherwise in this act provided and subject to the orders of the common coun-

* As amended June 19, 1907.

cil. He shall make all purchases of materials, tools, books, stationery, apparatus and property for the city or its officers not otherwise provided for herein or ordered by the common council. He shall keep a record of all officers and employes of the city and certify to the pay rolls and wages of all such officers and persons to the common council. He shall be charged, under the supervision of the common council, with the leasing, repairs, insurance and general supervision of the property of the city, and for his information may require reports from all officers and persons having any city property in charge or possession or having supervision of city employes, and make report of the same when required by the common council. He shall keep a complete set of books exhibiting the condition of the city in its various departments and funds, its resources and liabilities, with proper classification thereof of each fund or appropriation for any distinct object of expenditure or class of expenditures. Whenever any such fund or appropriation has been exhausted by warrants already drawn thereon or by appropriations, liabilities, debts or expenses actually incurred or contracted for, no further warrants shall be drawn by the city clerk against such fund or appropriation until another appropriation shall be made. Whenever any appropriation is made from any fund in excess of the balance remaining in such fund after previous appropriations have been deducted therefrom and after the fixed salaries or charges thereon to be paid from said fund are deducted therefrom, he shall notify the official or officials charged with the expenditure of such appropriation of the amount of money available for such appropriation or of the fact that no money remains in the fund available for the appropriation, and after such notification no expenditures shall be made under such appropriation in excess of the amount so reported by the city clerk as available. The city clerk

shall report in writing to the common council at its first meeting thereafter the reasons for such notification together with such recommendations as he sees fit. The council may provide funds for the appropriation if it sees fit, in any manner permitted by the charter or by cutting down any unexpended appropriation and returning the same to the credit of the fund from which it is drawn. If the comptroller shall attempt to cut down or render nugatory any appropriation which does not violate any provision of the charter, he may be mandamusd by order of the council on application to the circuit court. He shall, when required, or when he sees fit, make report to the council as to the liabilities and resources of the city with estimates of funds needed for current expenses and recommendations relating thereto, and he shall make an annual report showing in detail the financial transactions of the city for the fiscal year.

SEC. 53. The city clerk shall keep himself thoroughly acquainted, and make himself conversant with the doings of all officers charged in any manner with the receipt, collection and disbursement of the city revenues, and shall have general supervision over all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the

warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted, he shall immediately advise the common council thereof; the city clerk shall be the clerk of the board of public works and all other boards, the clerk of all standing and special committees of the common council, and the clerk of all the boards of the city that may from this time be established. He shall render to the common council on the first Monday of every month, and oftener if required, a report of the amount of all orders drawn since the last preceding report, what orders remain outstanding and unpaid, and the balance remaining to the credit of each fund.

SEC. 54. The city clerk shall report to the common council whenever required a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the common council may require. The clerk shall be the sealer of weights and measures for the said city, and shall perform all the duties of township clerk relative thereto.

SEC. 55. The common council shall provide and fit up an office for the city clerk, and establish office hours during which said clerk shall be required to be at his office.

Justices of the Peace.

SEC. 56.* The justices of the peace in said city exercising civil jurisdiction shall be deemed justices of the peace of Washtenaw County, and shall have all the powers and jurisdiction given by the general laws of the state in relation to civil and criminal cases before justices of the peace in townships, and appeals from their judgments and convictions may be made to the circuit court for the county of Washtenaw in

* As amended March 28, 1891.

the same manner as appeals from justices' judgment and convictions in towns are made: *Provided*, That all actions within the jurisdiction of justices of the peace of the peace may be commenced and prosecuted in said justices' court when the plaintiff or defendant or one of the plaintiffs or defendants reside in the City of Ann Arbor, in the township of Ann Arbor, in any township next adjoining the township of Ann Arbor, or in any city or village formed from any township next adjoining the township of Ann Arbor: *Provided*, That the township of Ypsilanti shall be deemed to be a township adjoining the township of Ann Arbor within the meaning of this act.

SEC. 57. Any justice of the peace residing in said City of Ann Arbor, shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing, to inquire into and hear, try and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act, and to punish the offenders as by said by-laws or ordinances shall be prescribed or directed, to award all process, and take recognizance for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison as occasion may require. In case there shall be at any time in said city, from any cause, no qualified justice of the peace, suits for violation of any of the city ordinances may be brought before one of the justices of the peace of the township of Ann Arbor.

The Assessor.

SEC. 58. The assessor shall annually estimate the value of all the taxable real and personal property in the city, and make the several ward assessment rolls at the time and in the manner as hereinafter in

this act provided; he shall spread upon said rolls any and all taxes duly certified to him by order of the common council, by the board of supervisors of the county of Washtenaw, or by other proper authority; and his warrant attached to said rolls, directing the collection of the taxes so levied and spread thereon, shall have the same power and effect as the warrant of a supervisor made in accordance with the state law.

Supervisors.

SEC. 59. The supervisors of the several wards shall have the like powers and perform the like duties as supervisors of townships, except as herein otherwise provided; they shall represent their several wards in the board of supervisors of the county of Washtenaw, and shall have all the rights, privileges and powers of the several members of such board.

Constables.

SEC. 60. The constables shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of civil and criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services, and be subject to like liabilities for any neglect of duty imposed by general law upon constables in townships. They shall have power also to serve all process issued for breaches of the ordinances of the city. They shall obey all lawful orders of the mayor, aldermen, and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city; and shall discharge all duties required of them by any ordinance, resolution or regulation of the common council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to removal from office by a vote of the common council.

Chief of Police.

SEC. 61. The mayor shall appoint a city marshal, who shall be the chief of police of the city and shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the common council made for the preservation of quiet and good order, and for the safety and protection of the inhabitants of the city, are promptly enforced, and when he shall know or learn of the violations of any ordinance of the city or penal statute of the state, it shall be his duty to enter complaint before one of the justices of the peace of the said city and to do whatever shall be necessary to bring the offender to justice. He shall have the same power to serve and execute all process issued by any justice of the peace of said city in behalf of said city, or of the people of the state, for offences committed within said city as sheriffs or constables have by law to serve and execute similar process, and shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command the aid of all citizens in the performance of such duty. He shall arrest all disorderly persons in the city, and pursue and arrest any person fleeing from justice in any part of the state. He may arrest upon view, and with or without process, any person found in the act of committing any offence against the laws of the state or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial. The mayor shall appoint such numbers of policemen or nightwatchmen as the common council may deem necessary for the good government of the city and for the protection of the persons and property of the inhabitants thereof, and may appoint such special policemen from time to time as the common council may authorize, when in his judgment the emergency or necessity may so require, and may provide for and

appoint subordinate officers for the police and night-watchmen.

SEC. 62. The marshal shall report, in writing and on oath, to the common council at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; and the amount of all fines and fees collected by him. All money collected or received by the marshal, for fines, fees or for any services performed by him in any official capacity, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the city clerk.

SEC. 63. The marshal shall not leave the city without the consent of the mayor except in pursuit of fugitives from justice or for the arrest of persons charged with a violation of the city ordinances. In the absence of the marshal or his inability to serve, the mayor may designate any policeman or constable to perform his duties.

City Treasurer.

SEC. 64. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury except in pursuance of and by the authority of law, and upon warrants signed by the city clerk and countersigned by the mayor, or for school purposes by the proper officers, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an accurate account of, and be charged with all taxes and moneys appropriated, raised, or

received for each fund of the city, and shall keep a separate account of each fund and credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund, the name of the payee, and the time of maturity indorsed thereon by the city clerk. He shall cancel such warrants when paid, and shall collect all taxes levied or assessed in the city. For the purpose of the collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, and for the purpose of suits for the collection of taxes, the said treasurer, on giving the bonds or surety so required by the charter or any law of the state, shall possess all the powers and perform all the duties of the several township treasurers of this state, as prescribed by law, and shall also perform such other duties, respecting the collection and return of taxes, as this act imposes.

SEC. 65. The treasurer shall render to the city clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received; the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report; such report shall be accompanied with a certificate from the cashier of the bank in which the moneys of the city may be deposited, showing the amount of money in the bank to the credit of the city on the day on which the treasurer's report is made. He shall also exhibit to the common council annually, on the first Monday in March, and as often and for such period as the common council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual re-

port, classifying them by the funds to which receipts are credited and out of which such disbursements are made, and the balance remaining in each fund, which account shall be filed in the office of the city clerk, and shall be published in one or more of the newspapers of the city. He shall file all vouchers or warrants paid by him with the city clerk with his monthly report.

SEC. 66. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit, or that of any other person. Any violation of this section shall subject him to immediate removal from office by the common council, who are hereby authorized to declare the office vacant, and to appoint his successor, on the nomination of the mayor, for the remainder of the term.

SEC. 67. The common council may, in its discretion, contract with any bank or banks in said city, incorporated under any law of the State, or United States, for the safe keeping of any moneys belonging to said city, and for the payment by such bank or banks of interest thereon, at a rate not exceeding that established by law, which interest shall be credited by the treasurer to the contingent fund of said city. The common council may prescribe the conditions relative to the making of such contract, and the securities to be given by any bank or banks for the moneys so deposited: *Provided*, That neither the city treasurer nor his bail shall be held responsible for any moneys deposited in any bank or banks pursuant to the terms of any contract made as in this section authorized.

City Attorney.

SEC. 68. The city attorney shall be an attorney and counsellor at law, in good standing, and qualified to practice in all the courts of the state. He shall, on application of the common council or any officer of the city, furnish advice relative to all matters of law, relative to their duties, appear in behalf of the city and of all public boards thereof, in all suits, and perform such other legal duties as may be required by the mayor or the common council. He shall attend all meetings of the common council.

Compensation of Officers.

SEC. 69.* The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services: The mayor shall be paid one dollar per annum; the city clerk shall receive one thousand five hundred dollars per annum and he shall be allowed five hundred dollars per annum for clerk hire; the city attorney shall be entitled to receive such sum as the common council shall allow not exceeding six hundred dollars per annum, which shall be in full for all services rendered in suits and proceedings in courts of record; the common council may allow in addition to the salary aforesaid for such services such additional compensation as the common council shall deem just, not exceeding four hundred dollars per annum. The treasurer shall receive as full compensation for his services the sum of twelve hundred dollars per annum and an additional allowance of one hundred dollars which shall be in full for his services as well as the services of the deputy, or clerk hire, or other assistance required in the performance of the duties of his office; said treasurer shall keep an exact account of all fees allowed by law, the collection of which is

* As amended June 19, 1907.

provided for in section one hundred eighty-four of this charter, and it shall be his duty to collect the same and when so collected he shall credit the same to the contingent fund, and he shall likewise account for all fees provided for collecting the taxes to be levied and collected in the said city and credit the same to the contingent fund. The marshal shall be entitled to receive such compensation not exceeding eighty-three and thirty-three one-hundredths dollars per month, as the common council shall allow; the assessor shall receive one thousand five hundred dollars per annum; the justices of the peace and the constables shall be allowed the same fees as are by law allowed to corresponding township officers; members of the common council shall serve without pay excepting for services on boards of review, election boards and boards of registration, for which services they shall receive payment of five dollars per day; supervisors and all other officers of said city shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices: *Provided*, That the common council may increase the compensation of any officer whenever authorized by majority vote of the qualified electors of the said city voting at any annual charter election, ten days' notice having been given of the proposed increase.

The Common Council.

SEC. 70. The legislative authority of the said City of Ann Arbor shall be vested in a common council, consisting of the president of said council and two aldermen elected from each ward.

SEC. 71.* The president of the Common Council shall attend and preside at all meetings thereof and

* Amended the

March, 1907.

shall have a vote on all questions. He shall be ex-officio a member of all committees of the Common Council. He shall have the appointment of all standing and special committees of the Council, unless otherwise ordered when such special committee is constituted. He shall have the power and it shall be his duty to preserve order and decorum in the council room during the sessions of the council, and in the discharge of such duty may order any disorderly person removed from the council room, and for a second violation of the order by the same person at a single session of the council, the president may order his arrest and imprisonment for a period not exceeding twenty-four hours. In the absence or disability of the president the council shall appoint one of their number to perform his duties, and for the time being shall exercise the powers and discharge the duties of the president.

SEC. 72. The city clerk shall be clerk of the common council, but shall have no vote therein. He shall keep a full record of all the proceedings of the common council, and perform such other duties relating to his office as the common council may direct. In the absence of the clerk or his deputy from any session of the common council the common council shall appoint one of their number to act as clerk during said session.

SEC. 73. The common council shall be the judge of the election, returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe, not less than one of which shall be held in each month. The city clerk, by the direction of the mayor or the president of the common council, or on the written request of three aldermen, shall call special meetings of the council, notice of which, in writing, shall be given to each

member, or be left at his place of residence, at least two hours before the meeting.

SEC. 74. All meetings and sessions of the council shall be in public. A majority of the members elect shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as may be prescribed by ordinance; but no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the members elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many members as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by a vote of the majority of all the members elect, except as herein otherwise provided.

SEC. 75. The council shall prescribe the rules of its own proceedings and keep a record on the journal thereof. All votes of appointments to office and measures incurring expense, and on the adoption of all ordinances, shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative. Any one member of the council shall have the right to demand the yeas and nays on any question, and all votes shall be entered at large on the journal: and within one week after any meeting of the council, all the proceedings and votes taken thereat shall be published in one or more newspapers of the city.

SEC. 76. The council may compel the attendance of its members and other officers of the city at its meetings in such manner, and may enforce such fines

for non-attendance as may by ordinance be prescribed, and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

SEC. 77. The city attorney, city marshal and street commissioner shall attend all meetings of the council, and the council may require the attendance of any other city official at any session thereof.

SEC. 78. The council shall have control of the finances and of all the property, real and personal, of the city except as may be otherwise provided by law.

SEC. 79. Whenever by this act or any other provisions of law, any power or authority is vested in or duty imposed upon the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority and to regulate the performance of such duty.

SEC. 80. The council may provide for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them.

SEC. 81. The council shall cause all records of the corporation, proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation (unless required by law to be kept elsewhere), to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept as to be convenient of access and inspection; and all such records, books and papers shall be subject to inspection by any inhabitant of the city or other person interested therein, at all seasonable times, except such parts thereof as in the opinion of the council it may be

necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the state prison, not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

SEC. 82. No member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office, the emoluments of which are to be paid from the city treasury or be paid by fees under any act or ordinance of the common council, or be bondsmen or surety on any contract or bond given to said city; but this section shall not be construed to deprive any member of any emoluments or fees to which he may be entitled by virtue of his office. Any member of the council offending against the provisions of this section, shall, upon conviction thereof, be fined not exceeding five hundred dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

SEC. 83. The city marshal and any policeman or nightwatchman appointed to office by the mayor, by authority of this act, may be suspended or removed by the mayor, and in case of the suspension or removal of any such officer, the mayor shall present to the common council, at its next regular meeting, his reasons for such suspension or removal, in writing, which shall become a part of the records of such meeting. Any other officer appointed by the mayor may be suspended or removed by him, by and with the consent

of the majority of the members elect of the council, and the council may expel any alderman or remove from office any person elected thereto, except justices of the peace, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same, and no removal of any elective officer shall be made unless a charge in writing is preferred, and opportunity given him to make defence thereto.

SEC. 84. To enable the council to investigate charges against any officer, or such other matter as it may deem proper to investigate, the mayor or any justice of the peace is empowered, at the request of the council, to issue subpoenas or process by warrant to compel the attendance of persons and the production of books and papers before the council or any committee.

SEC. 85. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel witnesses to testify as is conferred on courts of justice of the peace.

SEC. 86. The council shall audit and allow all accounts chargeable against the city, but no claim not certified to by the city official ordering the work done or the purchase made shall be received for audit or allowance, unless it shall be accompanied by an affidavit of the person presenting it that the services therein charged for have been actually performed, or the goods delivered to the city, that the sums charged are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment

has been made on account thereof, except such as are endorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed and the true date of each: *Provided*, That the claims of members of the board of registration, inspectors and clerks of election, and members of the board of review may be allowed on the certificate of the city clerk.

SEC. 87. Within twenty-four hours after any session of the common council, the clerk of said council shall present the proceedings of such session to the mayor, or other person performing the duties of mayor, for his approval, and he may approve the same in whole or in part, or may refuse to approve any order, resolution, paragraph or clause of said proceedings, creating any office, appropriating any money, ordering any tax or assessment, transferring any money from one fund to another, or allowing any claim. He shall return his disapproval and reasons therefor, in writing, to the clerk of the council within three days, and no provision or order so disapproved shall be of any effect unless repassed by a two-thirds vote of the members elect of said council, within thirty days from the time such disapproval is filed with the clerk: *Provided*, That a unanimous vote of all the members elect shall be necessary to re-pass any disapproved resolution or order for the transfer of any money from one fund to another.

General Power of the Common Council.

SEC. 88.* The common council, in addition to the powers and duties specially conferred upon them by this act, shall have the management and control of the finances, rights, interests, buildings and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same:

*As amended June 18, 1903.

as they shall deem proper and necessary; and further, they shall have power, within said city, to enact, make, continue, modify, establish, amend and repeal such ordinances, by-laws and regulations as they may deem desirable, within said city, for the following purposes:

First, To prevent vice and immorality, to preserve public peace and good order, to organize, maintain and regulate a police force of the city, to prevent and quell riots, disturbances and disorderly assemblages, to prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose. To license newsboys, prohibit the sale of indecent and obscene newspapers, or other indecent or obscene publications, and authorize the seizure and destruction of the same;

Second, To restrain and prevent disorderly and gaming houses and houses of ill-fame, and to seize and destroy all instruments and devices used for gaming, and to prohibit all mock auctions, gaming and fraudulent practices and devices and to regulate and restrain billiard tables and bowling alleys;

Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State, and to forbid the selling or giving to be drank any intoxicating or fermented liquors to any common drunkard, or to any child or young person, and to prohibit, restrain and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers: *Provided,* That no person shall keep a saloon or other place except a drug store, where any spirituous, malt, brewed, fermented, vinous or intoxicating liquors are sold, or kept for sale, at wholesale, or at retail, in all that part of the City of Ann Arbor lying south and

east of the following described line: Beginning on Fuller street at the city limits of said city and running thence westerly along Fuller street to Detroit street; thence southwesterly along Detroit street to Division street, thence south on Division street and Division street as extended south to the city limits south of said city of Ann Arbor;

Fourth, To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money, except exhibitions of agricultural, educational or religious societies or associations, or local musical societies;

Fifth, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, slaughter house, glue, starch or soap factory, establishment for rendering tallow, lard or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on, blacksmiths', coopers', cabinet makers', carpenters', and joiners' shops, and all buildings, business and establishments of any kind usually classed as extra hazardous in respect to fire; tannery and stable, privy, hog-pen, sewer, or any other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as the health, comfort and convenience or safety of the inhabitants of said city may require;

Sixth, To direct the location of all slaughter-houses, markets, stables and buildings for storing gunpowder or other combustibles or explosive substances;

Seventh, To regulate the buying, carrying, selling and using of gunpowder, fire crackers or fireworks manufactured or prepared therefrom, and other combustible materials, and the exhibitions of fireworks, and the discharge of firearms, and lights in barns,

stables and other buildings, and to restrain the making of bonfires in streets and yards;

Eighth, To prevent the encumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges or aqueducts, drains or ditches, in any manner whatever;

Ninth, To prevent and punish horse racing and immoderate driving or riding in any street, or over any bridge, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said city;

Tenth, To determine and designate the routes and grades of any railroad coming into or passing through said city, and to restrain and regulate the use of locomotives, engines and cars upon any railroad within the city;

Eleventh, To prohibit or regulate bathing in any public water, or in any open or conspicuous place, or any indecent exposure of the person in the city;

Twelfth, To arrest and punish drunkards and persons found drunk in the streets, lanes, alleys or public places of said city, disorderly persons, vagrants, common prostitutes, street walkers, mendicants, street beggars and persons soliciting alms and subscriptions for any purposes whatever;

Thirteenth, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

Fourteenth, To prevent and regulate the running at large of dogs, and to impose taxes on the owners of dogs, and to prevent dog fights in the city;

Fifteenth, To prohibit any person from bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive sub-

stances, and to require the removal or destruction thereof; and if any person shall have on his premises such substances or any putrid meats, fish, hides or skins of any kind, and shall neglect or refuse to remove the same when ordered, to authorize the removal or destruction thereof, as a public nuisance, by some officer of the city;

Sixteenth, To compel all persons to keep sidewalks in front of premises owned or occupied by them, clear from snow, ice, dirt, wood or other obstruction;

Seventeenth, To regulate the ringing of bells and crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Eighteenth, To appoint and prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies;

Nineteenth, To prohibit, restrain or regulate within such parts of the city as they may deem expedient, and prescribe the building, rebuilding, enlarging, repairing or placing of wooden buildings therein; to regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such line, by fine upon the owner or builder thereof, not to exceed five hundred dollars;

Twentieth, To provide for obtaining, holding, regulating and managing burial grounds, within or without the city, when established for the benefit thereof; and to regulate the burial of the dead, and to compel the keeping and return of bills of mortality;

Twenty-first, To establish order and regulate market places, to regulate the vending of wood, hay, meat, vegetables, fruits, fish and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables

or other articles of food or provisions; impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale; and to provide for and regulate the inspection of animals used for food, and the slaughter of the same: *Provided*, That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

Twenty-second, To establish, regulate and preserve public reservoirs, wells, penstocks and pumps, and to prevent the waste of water; and to authorize and employ, under such regulations and upon such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city, for the purpose of supplying the inhabitants of said city with water; and to grant such exclusive privileges as they may deem expedient to any company organized to supply said city and its inhabitants with water; and to contract with such company to supply the city with water for fire and other public purposes;

Twenty-third, To regulate sextons and undertakers for burying the dead, cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation; and to make regulations for preventing auctions, peddling, pawn-brokerage, or using for hire carts, drays, cabs, hacks or any kind of carriage or vehicle, or opening or keeping any tavern, hotel, victualing house, saloon or other houses or place for furnishing meals, food or drink, or billiard tables or ball alleys, without first obtaining from the common council license therefor; for licensing and regulating carts, drays, cabs, hacks, and all carriages or vehicles kept or used for hire; for licensing and regulating auctioneers, peddlers, pawnbrokers, junk dealers, dealers in second-hand goods and merchandise, and transient tradesmen, auctions, peddling,

pawnbrokerage, taverns, hotels, victualing houses, restaurants, saloons, or other houses for furnishing meals, food or drink, and keepers of billiard tables and ball alleys not used for gaming. Whoever occupies any premises within the city of Ann Arbor, for a temporary period only, and is not assessed for taxes in said city, and who offers for sale goods, wares, or merchandise, is hereby defined and declared to be a transient tradesman;

Twenty-fourth, To regulate, license, and control hackmen, omnibusmen, porters, runners and all others soliciting passengers and others to ride in any hack, omnibus or carriage, or upon any railway, or to go to any hotel or other place, and to prevent said hackmen, omnibusmen, porters and runners from entering within any railroad station, at such times as the common council may determine;

Twenty-fifth, To make regulations for the lighting of the streets and alleys and the protection and safety of public lamps;

Twenty-sixth, To provide for and regulate the numbering of buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same;

Twenty-seventh, To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time and executing the same in cases not otherwise provided for by law;

Twenty-eighth, To provide for the cleansing and preserving of the salubrity of the waters of the Huron river, or other streams within the limits of the city; to fill up all low ground or lots covered or partially covered with water, or to drain the same, as they may deem expedient;

Twenty-ninth, To prescribe and designate the stands for carriages of all kinds, which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said city;

Thirtieth, To provide for taking a census of the inhabitants of said city, whenever they may see fit, and to direct and regulate the same;

Thirty-first, To establish a grade for streets and sidewalks and cause the sidewalks to be constructed in accordance with the same;

Thirty-second, To prescribe the duties of sealer of weights and measures and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said city, except as herein otherwise provided;

Thirty-third, To direct and regulate the construction of cellars, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, barn, drain, sink or privy thereon;

Thirty-fourth, To provide for the protection and care of poor persons and of paupers, and to prohibit and prevent all persons from bringing or sending to the city from any other place any pauper or any other person likely to become a charge upon said city, and to punish therefor; to provide by ordinance for the election or appointment of an overseer of the poor for the city, and to prescribe his duties and vest him with such authority as may be proper for the exercise of his duties, and to provide for the organization of a board of poor commissioners, who shall serve without compensation;

Thirty-fifth, To provide for and change the location and grade of street crossing of any railroad track, and to compel any railroad company or street railway company to raise or lower their railroad track to conform to street grades, which may be established by the city from time to time, and to construct street crossings in such a manner as the council may require, and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles an hour, and to impose a fine of not less than five or more than fifty dollars upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

Ordinances.

SEC. 89. The style of all ordinances shall be, "The common council of the City of Ann Arbor ordain." All ordinances shall require, for their passage, the concurrence of a majority of all the members elect. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than ten days from the date of its publication, as hereinafter provided.

SEC. 90.* Whenever, by the provisions of this act, the common council shall be authorized to pass ordinances for any purpose, they shall have power to determine by ordinance the punishment of all persons convicted of any violation of the same, by imprisonment at hard labor or otherwise, and they may pre-

*As amended March 15, 1895.

scribe fines, imprisonment, penalties and forfeitures for the violation of the same not exceeding one hundred dollars or imprisonment not exceeding ninety days, or both, in the discretion of the court. Such imprisonment may be in the common jail of the County of Washtenaw, in the city lock-up or in the Detroit House of Correction. The fine, penalty or imprisonment, for the violation of any ordinance, shall be prescribed therein, and during such imprisonment all such offenders may be kept at hard labor. And they may also be kept at hard labor during all that time they are imprisoned in default of the payment of any fine imposed for the violation of such ordinance.

SEC. 91. On the day next after the passage of any ordinance, the clerk of the common council shall present the same to the mayor or other person performing the duties of the mayor, for his approval. No ordinance shall be of any force without the written approval of the mayor or other person performing for the time being the duties of his office unless he omit to return it to the clerk of the common council with his objections thereto within ten days after its presentation to him, in which case it shall be deemed regularly enacted. If after the return of the ordinance with the objections thereto, as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the members elect of the common council, the ordinance shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage.

SEC. 92. At the time of presenting any ordinance to the mayor for his approval, the clerk of the common council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was presented, and shall also certify thereon, and in such journal or record the time of the return of such ordinance, whether

approved or with objections, and shall at the next meeting of the common council report any ordinance returned with the [objections] objection thereto.

SEC. 93. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section of an ordinance is amended, the whole section as amended shall be re-enacted.

SEC. 94. All ordinances when approved by the mayor, or when regularly enacted, shall be immediately recorded by the clerk of the common council in a book to be called "the record of ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

SEC. 95. Within one week after the approval of final passage of any ordinance the same shall be published in one or more newspapers printed and circulated within the city, and the clerk shall, immediately after such publication, enter on the record of ordinances in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made and sign the same officially, and such certificate shall be prima facie evidence that legal publication of such ordinance has been made.

SEC. 96. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of said city, and in all proceedings in said city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinance of the city; and whenever it shall be necessary to prove any of the laws, regulations or ordinances of said city, or any resolution adopted by the common council, the same may be read in all courts of justice and in all the proceedings:

First, from a record thereof kept by the city clerk in the record of ordinances; *Second*, from a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; *Third*, from any volume of ordinances purporting to have been written or printed by the authority of the council.

Enforcement of Ordinances.

SEC. 97. The corporation of the City of Ann Arbor shall be allowed to use the common jail of the County of Washtenaw for the imprisonment of all persons liable to imprisonment under the ordinances of said city, and all persons committed to jail by any justice of the peace for a violation of any such ordinance shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases. Whenever, by the terms of any ordinance of said city, it is provided that any person convicted of a violation thereof shall be imprisoned, said person may be confined in the county jail of the County of Washtenaw, a city lock-up, or in the House of Correction in the city of Detroit, in the discretion of the court: *Provided*, That the said City of Ann Arbor shall pay all the expenses of imprisoning persons charged with the violation of city ordinances.

SEC. 98. Whenever any person shall be charged with having violated any of the by-laws or ordinances of the city, by which the offender is liable to imprisonment, any justice of the peace residing in said city, to whom complaint shall be made, in writing, and on oath, shall issue a warrant directed "to the city marshal, policeman or any constable of the City of Ann Arbor," commanding him forthwith to bring the body of such person before him to be dealt with according to said laws or ordinances of the city, and the marshal or other officer to whom said warrant shall be deliv-

ered for service is hereby authorized and required to execute the same, in any part of the state where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process, and the proceedings relating to the arrest and custody of the offender pending trial, the pleadings and all proceedings upon the trial of such cause, and the rendition of judgment and the execution thereof shall, except as otherwise provided by this act, be governed by and conform as nearly as may be to the provisions of law relating to proceedings in criminal causes cognizable by [a] justice of the peace under the general laws of this state.

SEC. 99. The expenses of apprehending, examining and committing offenders against any law of this state, in the said city, and of their confinement, shall be audited and allowed and paid by the supervisors of the County of Washtenaw, in the same manner as if such expenses had been incurred in any town of said county.

SEC. 100.* All actions against the City of Ann Arbor shall be commenced by summons, which shall be served upon the city clerk at least six days before the return thereof, by giving him a copy of said summons with the name of the officer serving the same endorsed thereon; or in case of the absence of the said city clerk from the city, then by leaving such copy with the mayor, endorsed as aforesaid: *Provided*, That no suit shall be maintained against the city until the claim whereon the same is founded shall have been presented to the common council of said city, duly verified, at a regular meeting of the same, for allowance, and until after one regular meeting of the common council shall intervene: *And provided further*, That all claims for damages against the city growing

*As amended June 18, 1903.

out of the negligence or default of said city, or of any officer, or employee thereof, shall be presented to the common council of said city, in the manner above provided, within sixty days after such claim shall arise, and in default thereof shall thereafter be forever barred; and in any action in any court on any such claim, the claimant shall be required to show that such claim has been duly presented in the manner in this act specified, to the common council of said city.

SEC. 101. In all suits in which the City of Ann Arbor shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as an officer, witness or juror, on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the other inhabitants of said city; *And provided further*, That it shall not be necessary to pay or tender any fees to any witness subpoenaed on the part of the city, but such witness shall be bound to attend, and shall be liable to attachment the same as if fees had been tendered or duly paid to him. The fees of witnesses shall be allowed by the common council on the certificate of the justice or court before whom they appeared.

SEC. 102. In all trials before any justice of the peace of any person charged with a violation of any ordinance of the said city, either party shall be entitled to a jury of six persons; and all the proceedings for the summoning of such jury and in the trial of the cause shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace; and in all cases, civil and criminal, the right of appeal from the justice's court to the circuit court of Washtenaw county shall be allowed, and the person appealing shall enter into a recognizance, conditioned to prosecute the appeal in the circuit court, and abide the order of the court therein, or such other

recognizance as is or may be required by law in appeals from justices' courts in similar cases: *Provided*, If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed on behalf of the said city.

SEC. 103.* All fines, forfeitures and penalties imposed for the violation of any ordinance of said city, may, at the election of the city attorney, be sued for in the name of the said corporation, before any court of competent jurisdiction, in an action of assumpsit for money had and received, and in declaring in such action it shall be deemed sufficient to refer to the ordinance, claimed to have been violated, by its proper title and date of its passage. Whenever any such ordinance shall impose a fine without imprisonment, or a fine or imprisonment, or both a fine and imprisonment, action may be brought for the enforcement thereof, either under this section or under section number ninety-eight; but if under this section the said city shall be deemed to have waived all imprisonment of the defendant. The form of the action, writ, time of return and manner of service thereof, the pleadings and all proceedings in the cause, including final writ of execution and discharge thereof, shall be, and conform as near as may be to the action of assumpsit now in common use for the collection of debts and the enforcement of contracts between party and party.

SEC. 104. All fines, penalties or forfeitures recovered before any of said justices for a violation of the ordinances of said city shall, when collected, be paid into the city treasury; and each of said justices shall

*As amended March 28, 1891.

report, on oath, to the common council, on the first Mondays of January, April, July and September, during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys so received, or which may be in his hands, collected on such fine, penalty or forfeiture shall be paid into the city treasury on the first Monday of the months above named, during the time such justice shall exercise the duties of said office, and for any neglect in this particular he may be suspended or removed, as hereinbefore provided.

SEC. 105. All persons being habitual drunkards, destitute, and without any visible means of support, and who, being such habitual drunkards, shall abandon, neglect, or refuse to aid in the support of their families, being complained of by such families, all able-bodied and sturdy beggars who may apply for alms or solicit charity, all persons wandering abroad, lodging in watch-houses, out-houses, market-places sheds, stables, or uninhabited dwellings, or in the open air, and not giving a good account of themselves, all common brawlers and disturbers of the public quiet, and all persons who beg from door to door or in the streets of said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace in said city, be sentenced to confinement in the county jail of said county, the city lock-up, or [in] the House of Correction in the City of Detroit, for such time, not exceeding sixty days, as the common council shall by ordinance prescribe.

SEC. 106. All persons who shall have actually abandoned their wives or children in said city, or may neglect to provide, according to their means, for their wives or children, are hereby declared to be disorderly persons, within the meaning of chapter fifty-five of the

compiled laws of eighteen hundred and seventy-one, as amended, and may be proceeded against in the manner directed by said title; and it shall be the duty of the magistrate before whom any such person may be brought for examination, to judge and determine from the facts and circumstances of the case whether the conduct of said person amounts to such desertion, or neglect to provide for his wife or children.

Police.

SEC. 107.* The common council of said city may provide by ordinance for a police force, and for the appointment by the mayor of such numbers of policemen or nightwatchmen as they may deem necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time when, in his judgment, the emergency or necessity may so require, and may provide for and appoint subordinate officers for the police and nightwatchmen.

SEC. 108. The common council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and nightwatchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and unlawful depredation. And the mayor may, whenever he shall deem it necessary for the preservation of peace and good order in the city, appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made

*As amended March 15, 1895.

in accordance with some ordinance or resolution of the common council, shall not continue longer than three days.

SEC. 109. The city marshal, as chief of police, under the direction of the mayor, shall have the superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the common council.

SEC. 110. It shall be the duty of the police and nightwatchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances and breaches of the peace, to apprehend any and all persons in the act of committing any offense against the laws of the state or any ordinance of the city, and to take the offender forthwith before the proper court or magistrate to be dealt with for the offense; to make complaint to the proper officers and magistrates of any person believed to be guilty of the violation of the ordinances of the city or the penal laws of the state, and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare as the council may ordain, and to serve all process issued under any city ordinance and directed to them for service, and for such purposes the chief of police and every policeman and nightwatchman shall have all the powers of constables and may arrest upon view and without process any person in the act of violating any ordinance of the city, or in the commission of any offense against the laws of the state.

SEC. 111.* The mayor may suspend or remove from office any policeman or nightwatchman for misconduct or other cause at any time, as provided in sec-

*As amended March 15, 1895.

tion eight-three of this act, as amended. When employed in the performance of duty the policeman shall receive such compensation therefor from the city as the common council shall prescribe.

Cemeteries.

SEC. 112. Said city may acquire, hold, and own such cemetery or public burial place or places, either within or without the limits of the corporation as in the opinion of the common council shall be necessary for the public welfare and suitable for the convenience of the inhabitants. The common council may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as they may prescribe; and may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, or when public policy shall demand, to be taken up and buried elsewhere.

SEC. 113. The common council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof.

SEC. 114. The common council may pass and enforce all ordinances necessary to carry into effect the provisions herein contained, and to control and regulate such cemetery or burial place or improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations.

SEC. 115. The common council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging or under the control of any church, religious society, corporation, company

or association, and for the protection and preservation of the tombs, monuments, and improvements therein and the appurtenances thereof.

Pounds.

SEC. 116. The common council may provide and maintain one or more pounds within the city, and may appoint pound-masters, prescribe their powers and duties and fix their compensation; and may authorize the impounding of all animals, geese and other fowls found in the streets or otherwise at large or tied or staked in such streets for the purpose of grazing, contrary to any ordinance of the city; and if there shall be no pound or pound-master, they may provide for the impounding of such animals, geese and fowls, by the city marshal in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound-master.

SEC. 117. The common council may prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the animals, geese and fowls, for the payment of such fees, expenses and charges, and for the penalties incurred, and may impose penalties for rescuing any animal or thing impounded.

Public Buildings, Grounds and Parks.

SEC. 118. Said city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and all other purposes necessary or convenient for the public good, and the execution of the powers conferred by this act; and such buildings and grounds or any part thereof may be sold, leased, mortgaged and disposed of as occasion may require.

SEC. 118a.* All real estate now owned by the City of Ann Arbor and dedicated to park purposes, including all properties, buildings and improvements of every kind connected therewith, together with all property that may hereafter be acquired for park purposes, and all lawn extensions and shade trees, shall be under the exclusive control of five commissioners who shall be electors and actual residents of the said city and shall be known and designated as "The Board of Park Commissioners of the City of Ann Arbor."

SEC. 118b. The members of said board shall be appointed by the mayor of said city on the first Monday of May of each year, or within a reasonable time thereafter, and in accordance with the provisions of section thirty-one of the charter of said city, relative to appointments by the mayor; the full term of each member shall be five years, from the first Monday in May of the year in which he may be appointed and until his successor is appointed and qualified, except as hereinafter specially provided. Whenever the term of office of any member shall expire, his successor shall be appointed by the mayor, as herein provided, and his term of office shall date from the expiration of the term of office of the member whom he succeeds. The members of the said board shall devote all the time necessary to a proper discharge of the duties of their offices, and shall serve without pay. At the first meeting of the said board after the first Monday in May of each year the member whose term of office shall soonest expire shall be president of the board for that year.

SEC. 118c. Immediately after this act shall take effect the mayor of said city shall appoint five members of said board who shall serve as follows: One until the first Monday in May, nineteen hundred and

*Sections 118a to 118k inclusive were added to the Charter, May 11, 1905.

six, and until his successor is appointed and qualified, one until the first Monday in May, nineteen hundred seven, and until his successor is appointed and qualified, one until the first Monday in May, nineteen hundred eight, and until his successor is appointed and qualified, one until the first Monday in May, nineteen hundred nine, and until his successor is appointed and qualified, and one until the first Monday in May, nineteen hundred ten, and until his successor is appointed and qualified.

SEC. 118d. The common council shall provide an appropriation in its annual budget for the year nineteen hundred five, for the care, maintenance, improvements, or extensions of parks. It shall be the duty of said board to prepare and submit to the common council for its ratification or amendment, on or before the first Monday in June, each year, estimates for the care, maintenance, improvements or extensions of the said parks. Such estimates shall specify in detail the objects of the expenditures, the sum desired for each and any special reasons the board may have for desiring the same. The amount of money which the common council shall determine by resolution to be necessary shall be certified by the city clerk to the city assessor with the other amounts determined to be raised by tax for the city streets, sewers or other purposes in accordance with the provisions of the charter of the City of Ann Arbor.

SEC. 118e. The said board shall pay to the city treasurer all moneys received from any source relating to said parks, who shall receive such money and place the same in a fund to be called the park fund. All expenses incurred by the board on account of parks shall be passed upon by it, certified to by the president thereof, and filed with the city clerk who shall certify the same to the common council for payment, and in case the matter of expense involved is included in the

annual budget, herein provided for, the common council shall order the payment of the same. In case the matter of expense is not therein included the common council shall take such action in relation thereto as it may deem proper.

SEC. 118f. No debt or liability of any kind shall be created by said board on account of parks in excess of the annual budget and money in said park fund unless specially authorized so to do by a majority elect of the common council. The said board may accept donations or bequests of money or property which shall be used for the maintenance and improvements of said parks as contemplated by such donation or bequest.

SEC. 118g. Said board shall have power to engage or appoint all employees on the parks and fix their compensation. It shall have power to appoint a superintendent of parks, who shall not be a member of said board, and fix his salary. Such superintendent shall hold his position during the pleasure of said board.

SEC. 118h. Said board shall have exclusive control over all improvements in any of the said parks; also the construction of all buildings and the maintenance thereof within said parks, and the care and trimming of all shade trees within the said city.

SEC. 118i. The said board may make all needful rules and regulations for the management, maintenance and care of parks and regulate their use; and the common council of said city may provide ordinances for the observation of the same; and may also, in like manner, provide for the observation and enforcement of any other rules and regulations duly made by the said board, under any provisions of this act; and said common council may by ordinance provide for the preservation and protection of the parks and any of the property in charge of said board against any destruction or injury and prevent

the destruction or injury to, or taking of any trees, shrubs, plants, flowers, or other things set out, planted or used by the said board in benefiting, improving or ornamenting the said parks and prevent any disorder or disturbance on or about said parks or any encroachment thereon or any interference with the quiet and peaceful use and enjoyment of the same, for the purposes for which the same are established and maintained. The said ordinances may provide for the punishment of any breach or violation of any of their provisions by like penalty provided for violations of ordinances of the said city.

SEC. 118j. The said board shall classify the various works under its control, and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs, superintendence and salaries of employees, and, also, detailed accounts of all other matters under its charge and control, and upon the second Monday in May, in the year nineteen hundred six, and on the second Monday in May in every year thereafter, and oftener if required by the common council, shall submit to it a statement, showing in detail, the progress and condition of all the public improvements commenced or carried forward by said board; the character and amounts of all contracts made by the board; the moneys earned and paid thereon, and all other information necessary to the full understanding of the business conducted by said board.

SEC. 118k. The city engineer shall perform such services as may be required of him by the said board; the city attorney shall be the legal adviser of said board and the city clerk shall be the clerk of said board.

SEC. 119.* When the common council shall deem it for the public interest, grounds and buildings for

*As amended June 19, 1907.

work-houses, hospitals, pest-houses, cemeteries, water-works, parks, and other necessary public uses may be purchased, erected and maintained either within the city limits or not exceeding three miles beyond the same; and they shall have authority to enforce over such lands, buildings and property, whether within or without the city, such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such work-houses or hospitals.

Sewers, Drains and Water-Courses.

SEC. 120. The common council may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking property for public use; but in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds and at public expense.

SEC. 121. Whenever the council shall deem it necessary for the public health they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, thereby to drain such lots and premises, and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirements, the common council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon; the common council shall have the power to compel

the use of dry earth closets by the owners and occupants of lots and premises, enforce the use of the same by ordinance, and provide by ordinance for the removal of the contents thereof.

SEC. 122. The owners or occupants of lots and premises shall have the right to connect the same at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the common council shall by ordinance prescribe.

SEC. 123. The common council may charge and collect annually from persons whose premises are connected by private drains with the public sewers such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drains, and such charges shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

SEC. 124. Such part of the expenses of building sewers, providing ditches and improving water courses as the council shall determine, may be defrayed by special assessment upon the lands benefited thereby in proportion to such benefits.

SEC. 124a.* Whenever the parties owning a majority of the area of land in any proposed storm sewer district shall petition the common council to construct storm sewers in said district, it may order the improvement made and assess the whole or any part of the cost of the same against the property in said district included in the petition, and all proceedings for the construction of said storm sewers shall be the same as that for the construction of lateral sewers in said city.

* Sec. 124a was added to the charter May 11, 1905.

SEC. 125. The common council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers and to carry into effect the powers herein conferred in respect to drainage of the city.

Streets, Sidewalks and Public Improvements.

SEC. 126. The common council shall be the commissioners of highways for said city, and shall have all the powers given by statute to highway commissioners, so far as applicable, except as in this act otherwise provided; and shall have the care, supervision and control of the highways, streets, bridges, lanes, alleys, parks and public grounds therein, and of keeping, preserving, repairing, improving, cleansing and securing of such highways, bridges, lanes, alleys, parks and public grounds. The common council shall have power by ordinance to regulate the time and manner of working upon the streets; to provide for grading and paving the same; to prevent the obstruction or incumbering of any of the streets, lanes, alleys, sidewalks or public grounds in said city; to provide for the erection, preservation and maintenance of lamp posts and lamps in said streets, and to provide for lighting the same; to provide for the planting and protection of shade trees along the sides of the streets, and on the public grounds in said city, and to keep such public grounds in good condition; to lay out, open and repair streets and alleys, and the same to alter and vacate, and to alter and vacate those already laid out.

SEC. 127.* Whenever the common council shall be applied to in writing by ten or more freeholders of said city to lay out, establish, open, widen, alter, straighten, or discontinue any way, street, common,

* As amended March 28, 1891.

lane, alley, highway or water course, or to build, establish, or vacate any bridge, said common council, if they determine the proposed improvement advisable, shall give notice of the pendency of the question of ordering such proposed improvement to the owners, occupants, or persons interested, or his, her or their agent, or representative, by personal service, if they reside within said city; if they shall reside without said city, then said service shall be made by posting up notices in five or more public places in said city, which notice shall state the time and place when and where the common council will meet to consider the same, and shall designate to a common certainty the street, lane, common, alley, water course, or bridge proposed to be laid out, altered, opened, widened, established, discontinued, vacated, built or erected, which notice shall be posted at least ten days before the time of meeting. If, after hearing the persons interested, the common council shall determine to lay out, alter, widen or discontinue any such street, lane, alley, water course, or build, erect or vacate any such bridge, or other improvement, they shall proceed to obtain a release of the right of way for such proposed street, lane, way or alley, and of the damages accruing, if any, to any and all persons injuriously affected by such proposed improvement, by gift, compromise or purchase. If the common council shall be unable to agree with the persons interested and thus acquire the right of way and release of damages, they shall so declare by resolution, whereupon the said City of Ann Arbor may by right proceed under the general laws of this state and acquire such right of way and settle such question of damages by condemnation.

SEC. 128. When the damages or compensation aforesaid shall have been paid or tendered to the person entitled thereto, or an order on the city treasury for the amount of such damages shall have been executed and delivered or tendered to such person or

persons, if known, and residents of said city, said common council shall then give notice to the owner or occupant of the land through or over which any such highway, street, lane, alley or common, sidewalk, watercourse or bridge shall have been laid out, altered, established or built, or if such owner or occupant shall not be known, or be non-resident, then by posting such notices in three public places in the ward or wards in which said property shall be situated, and require him, within such time as they shall deem reasonable, not less than thirty days after giving such notice, to remove his fence or fences; and in case the owner shall neglect or refuse to remove his fence or fences within the time specified in such notice, the said common council shall have full power and it shall be their duty to enter, with such aid and assistance as shall be necessary, upon the premises and remove such fence or fences and open the above highway, street, lane, alley, sidewalk or watercourse without delay after the time specified in such notice shall have expired: *Provided*, That in the rural districts of said city no person shall be required to remove his fence or fences between the first day of May and the first day of November.

SEC. 129. No person shall be deemed to have gained any title as against the city by lapse of time, to any street, lane, alley, common or public square heretofore laid out or platted by the proprietors of said city, or any part thereof, by reason of encroachment or inclosure of the same.

SEC. 130.* The common council shall have power to assess and levy a tax to pay the expense of making, grading, paving, opening, widening, and repairing streets, lanes, and alleys, and for the construction of and putting curb-stones, gutters and culverts therein, of grading, paving, planking, building, repairing and

* As amended March 28, 1901.

rebuilding sidewalks, draining lowlands, making, building and constructing drains, sewers and other local improvements, upon the lots, premises, lands, and tenements in said city, which in the opinion of the common council are benefited by such local improvement, or by a general tax, or part by a local or special tax, and part by general tax, as said common council may deem proper.

SEC. 130a.* Whenever the common council shall order any local or public improvement, the cost of a part or the whole whereof it is proposed to assess and levy on the lands, premises and tenements, which are benefited thereby, they shall by resolution so declare, and determine what part of the whole thereof, shall be levied and assessed upon the owners of the lands, premises and tenements deemed to be thus benefited, and thereupon they shall by resolution fix and determine the district or portion of the city benefited and specify the amount to be assessed upon the owners and against the taxable real estate situate therein: *Provided*, That no such assessment for the pavement of any street or alley shall be made or collected other than by general tax, unless upon the petition for such pavement, signed by the parties owning a majority of the foot frontage of the real estate on the line of such street or part thereof proposed to be paved.

SEC. 130b. After such determination the city clerk shall forthwith certify such resolution so fixing the boundaries of such assessment district, with the sum of money thus to be raised by special assessment to the assessor of said city, who shall without delay proceed to make a special assessment roll in which he shall set down all the lands and tenements situated in said special assessment district liable to taxation under the proper descriptions, and with the names of the

* Sections 130a, 130b, 130c, 130d, 130e, 130f, 130g, and 130h were added to the Charter March 28, 1891. Section 130a was amended June 18, 1903.

owners, or occupants thereof, also the true cash value of the same, and shall assess to the owner or occupant of each and against each parcel of land so liable to taxation, such a sum of money as shall in his opinion equal the benefit to such parcel from such public improvement.

SEC. 130c. That immediately after such special assessment roll shall have been completed, the said assessor shall, having certified his doings thereon, deliver the same to the city clerk, who shall number and entitle the same and lay the same before the common council at the next regular meeting thereof.

SEC. 130d. Whenever any such special roll shall be presented to the common council, they shall at such meeting, or at the next meeting fix and set a time for the review of the same, which shall be at the council chamber at two o'clock in the afternoon, not less than fifteen days nor more than thirty days therefrom. The city clerk shall forthwith cause notice of the time so fixed to be published in one of the newspapers in said city.

SEC. 130e. At the time so fixed for the review of said special roll, the common council shall meet at the council chamber as a board of review, at which time, and at all other times to which the review of any such special assessment roll may be adjourned, any person interested may appear and be heard in person, or by agent, or attorney and the common council, as such board of review shall have power and authority to review such special assessment roll, to add to any tax thereon, or to reduce the same and fully and fairly to equalize the taxes spread thereon, according to the benefits coming to each parcel of the same by such public improvements.

SEC. 130f. That after the common council sitting as such board of review shall have completed the review of any such special assessment roll, they shall so

declare by resolution, whereupon at the next meeting of the common council the city clerk shall report the proceedings of the said board of review to the common council, when the question shall be, "Shall the special assessment roll be confirmed?" which shall determine in the affirmative only by a majority vote of all the aldermen elect. When any such special assessment roll shall have been thus confirmed by the common council, it shall be final and conclusive, and shall from the date of such confirmation be and continue a lien upon the respective lots or parcels of land assessed and set down therein, and shall be a charge against [the] person or persons to whom assessed until paid.

SEC. 130g. After the confirmation of any such special assessment roll, it shall be the duty of the city clerk to certify the said assessment roll, together with the resolution of confirmation, to the city assessor, who shall forthwith attach thereto his warrant directed to the city treasurer commanding him to collect from all, each and every of the persons assessed in said special assessment roll, the sum and amount of money assessed to and set opposite his name therein, and in case any person named in said special assessment roll shall neglect or refuse to pay his assessment on demand, then to levy and collect the same by distress and sale of goods and chattels of such person, and return such roll and warrant, together with his doings thereon, within sixty days from and after the date of such warrant. And within ten days after the expiration of the time above named for the collection of such taxes the treasurer shall return a list of such unpaid taxes to the common council, and the common council shall direct the city assessor to carry into his next assessment roll for state, county and school purposes all such delinquent taxes so returned, with a penalty of ten cents on each dollar of the sum total of taxes assessed to each particular description of land,

and which special assessment, together with the penalty, shall be carried out opposite to each such particular description of land in a column provided for that purpose, and all provisions of the law respecting the return and sale of property for the non-payment of taxes for state, county and township purposes shall apply to the return and sale of property for the next non-payment of any such special assessment: *Provided*, That at any time after a special assessment has become payable, the same may be collected by suit in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

SEC. 130h. The common council shall have power to assess and levy a tax to pay the expense of sprinkling streets, lanes and alleys upon the lots, premises, lands and tenements of said city, which, in the opinion of the common council, are benefited by such sprinkling: *Provided*, That no such sprinkling shall be done otherwise than by general tax, unless upon a petition signed by the owners of a majority of the front feet, of the property benefited by such sprinkling. The common council shall have the power to pass all ordinances necessary for the carrying out of this provision: *Provided*, That the procedure for the levy and collection of said tax or taxes shall conform as near as may be, to the provisions of the charter of the City of Ann Arbor, relative to the levy and collection of taxes for pavements: *And provided further*, That when any tax shall be ordered under the provisions of this section, or any ordinance passed in pur-

suance thereof, it shall be the duty of the city assessor to repeat from year to year, the assessment of the cost of such sprinkling upon the district specified by the council, until the common council shall order otherwise; but it shall be the duty of the common council to discontinue such assessment upon the petition of the owners of a majority of the front feet of the property in the district subject to assessment for such sprinkling.

SEC. 131. The common council shall have power to assess and collect from every male inhabitant of said city over the age of twenty-one years, except paupers, idiots, and lunatics, and all persons fifty years old and over, a list of whom shall be made out by the assessor at the time of making the annual assessment rolls, an annual capitation or poll tax, not exceeding one dollar, and they may provide by ordinance for the collection of the same: *Provided*, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioners, and the money raised by poll tax or labor in lieu thereof shall be expended or performed in the respective wards where the person so taxed shall reside.

SEC. 132. Whenever the common council shall deem it expedient to construct, repair, or renew any sidewalks within the limits of said city, they may, by ordinance or otherwise, require the owner of any lot or premises adjoining said street to construct such sidewalk or repair or renew the same in front of his or her lot or premises, in accordance with the provisions of this act. The common council may, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners or occupants of lots or premises in said city, or in any specified part thereof, to grade, construct, repair and renew sidewalks adjoining their respective premises in such manner as the common council may direct. If

the owner or occupant of any lot or premises, after notice so to do shall have been posted on such lot or premises or otherwise given, served, or published, as the common council may direct by ordinance, resolution or otherwise, shall fail or neglect to construct, repair or renew any sidewalk or to clear away snow, ice or other obstruction from any sidewalk, or to widen any street adjoining such lot or premises within such time as the common council may prescribe or require by ordinance, resolution, or otherwise, the board of public works may cause the same to be done at the expense of the city, and such expense, with ten per cent. added, shall be deemed to be a special assessment upon such lot or premises and the common council may add the same to the amount of the general city tax on such lot or premises in the proper district tax roll made the same year the said expense for such improvement was incurred or next thereafter to be made; and the amount so added shall be a lien on the premises in the same manner as the state, county and other city taxes to which it is added, and may be collected and enforced, and, if not paid, the land sold therefor in the manner as for other ordinary taxes, and at the time of the sale of any such lot or premises for such delinquent tax or taxes, the city clerk or other officer of the city may cause the same to be bid off to the city in its corporate name, and if not redeemed within the time allowed by law, the city shall be entitled to a deed of such lot or premises from the Auditor General, as provided in all other cases, which deed shall be *prima facie* evidence of the regularity of all proceedings by the common council and other officers of the city relating to such local improvement and assessment of the costs upon such lot or premises as well as [of] all the proceedings by the assessor and other officers from the valuation of such lot or premises to the date of the deed, inclusive, and of title in fee in the purchaser.

SEC. 133.* Whenever any action shall have been maintained and judgment recovered against said city by any person on account of damages sustained by reason of any defective sidewalk, or opening in the same, occasioned by the wrong or negligence of the owner or occupant of the premises in front of which said sidewalk shall be, or by reason of said owner or occupant suffering any such sidewalk to become and be out of repair, so that the same shall not be in a condition reasonably safe and fit for travel, or on account of any excavation in the street by any gas, hydraulic or railroad company, and such owner, occupant or company shall have been reasonably notified of the pendency of any suit brought against said city to recover such damages, and shall have been requested to appear and defend such suit, the judgment, if any, recovered against said city on account of any such sidewalk being defective or out of repair, shall be conclusive evidence of the liability of such owner or occupant, or company, to such city, and as to the amount of damages, and the same may be recovered by the said city in an action for money paid for the use of said owner, occupant or company, or in any other form of action.

Board of Public Works.

SEC. 134.† There shall be a board of public works, consisting of seven good and competent men who are electors, no two of whom shall be residents of the same ward. The members of such board shall be appointed by the mayor, subject to the approval of a majority of the members elect of the common council, and shall hold office for the term of five years and until their successors are appointed and qualify, the said term to commence on the fifteenth day of May:

* As amended March 15, 1895.

† As amended May 11, 1905.

Provided, That the three members of said board now in office shall continue in office for the term for which they were appointed, and until the members of said board provided for by this act shall have been appointed, qualified and shall enter upon their duties as members of said board.

SEC. 135.* The members of said board in addition to the three members now composing said board shall be appointed, one for the term of two years, one for the term of four years, and two for the term of five years from the fifteenth day of May, nineteen hundred five; and said mayor shall annually nominate to the common council on the first Monday in May of each year, or as soon thereafter as may be, to succeed the member or members of said board whose term of office shall expire upon the fifteenth day of May of such year, a member or members of such board for the term of five years. The members of said board shall at their first meeting after the fifteenth day of May of each year, or as soon thereafter as may be, elect one of the members thereof as president of said board, whose duties shall be to call meetings of said board whenever he deems it expedient so to do, or whenever requested in writing by two or more of the other members of said board, and to preside over the deliberations of said board. And the common council shall at all times provide the said board with a suitable office room for its meetings and business uses, and supply record books, stationery and other things necessary for the transaction of the business in charge of said board, and provide for the payment, in like manner, as other accounts against the city, of all necessary and lawful expenses incurred by said board.

SEC. 136.* Said board of public works shall after the said public improvements have been first duly or-

* As amended May 11, 1905.

dered by the common council, have supervision and charge of the construction and repair of all sidewalks, cellars under sidewalks, culverts, bridges, platforms, fountains and reservoirs; the construction, repair and extension of all main and lateral sewers and drains; the erection, alteration and repair of all engine houses, police stations, city halls and other public buildings of every description in said city, except school houses and buildings for water works; the deepening and cleaning of ditches and gutters; the cleaning, repairing, grading, planking, graveling or covering with other material of all streets and alleys; and shall, in addition thereto, exercise such other power and perform such other duties in the superintendence, construction and care of public works and improvements as the common council may from time to time by ordinance direct. Said board of public works may recommend a change of grades for streets, alleys, lanes and sidewalks to the common council, but shall make no change in the established grades of any streets, alleys, lanes, gutters or sidewalks of the city without the consent of the common council, made in pursuance of an ordinance of the city establishing all such grades. All plats or additions to the city shall be first submitted to the board of public works for its approval before the same are recorded.

SEC. 137.* Whenever the common council of said city shall have decided upon the making of any public improvement, it shall so declare by resolution and shall refer the matter to the board of public works and such other board or boards as may be interested therein and said board or boards, with all convenient dispatch shall determine as to the particular kind of materials to be used therefor so far as practicable and estimate in detail the quantity of materials, the probable cost and expense of such work and of the materials, and make a record thereof in their office,

* As amended March, 1907.

and cause to be prepared, so far as necessary, plans and specifications for such work or improvement, and report the determination and estimate to the common council. When such plans and specifications have been submitted to the common council, and approved by it, the said board of public works shall, except in the case of cleaning the ditches and gutters and the repair of streets, and sidewalks, advertise for proposals for furnishing of material and for the performance of such work; and may require all bidders to furnish security for the performance of any contract awarded to them; and all bids submitted to said board shall be publicly opened by it, and, as soon thereafter as may be, reported by the said board to the common council together with its recommendation in respect thereto; and no contract shall be let by the said board until duly authorized by the common council; said board shall have the right to reject any and all bids made, and in case all bids are rejected, or no bids received, the board may then advertise a second time or perform such work and furnish the materials itself. And if the board shall decide to perform such work and furnish the materials, it shall be the duty of the board to communicate in writing to the common council, at its earliest opportunity, its determination so to do; and after the completion of such work, at its earliest opportunity, the board shall make an itemized report in writing to the common council of all money expended by it in the prosecution of such work, and the purchase of such materials, stating therein for what particular purpose said money was expended. No expenditures for any purpose exceeding twenty-five dollars shall be paid by the said board except by consent of the common council.

SEC. 138. All contracts made by said board shall be in the name of the City of Ann Arbor, shall first be approved, as to form, by the city attorney, shall

be executed by the president and clerk of said board; and said board shall have direction of the performance thereof. The board shall reserve the right in all contracts to determine all questions as to the proper performance of such contracts and as to the completion of the work specified therein; and in case of the improper, dilatory, or imperfect performance thereof, to suspend work at any time and to order the partial reconstruction of the same if improperly done; to relet the work covered by said contract, or any unfinished portion thereof; or, by its employes, to take possession and complete the same, at the expense of the contractor. It shall also have the right, by proper provisions in all contracts, to retain a sufficient sum from the contract price to pay and discharge all debts incurred by the contractor for labor performed upon any public work, and upon the failure of the contractor to pay the same, to make payment thereof to the parties entitled thereto, and charge the amount so expended against the contract price. Said board of public works is hereby authorized to commence and prosecute, in the name of the city, any suits or proceedings for the recovery of damages for the breach of any such contract entered into by said board, or to enforce the performance of any such contract.

SEC. 139. Said board shall have the power to appoint, subject to the approval of the common council, a city engineer, who shall hold office during the pleasure of the said board, shall make all surveys required for the laying out, construction, alteration, repair and improvement of streets, sewers, water-mains, cemeteries, parks, public grounds and buildings, and prepare all necessary plans, profiles and specifications therefor, and perform the civil engineering work of said city of every description, as required by the common council, the said board of public works, or any other lawful authority of said city. Said engineer

may, subject to the approval of the board of public works, appoint such assistants under him as are required for the proper and prompt performance of his duties, and discharge such assistants at pleasure. Said board shall also have the power to appoint suitable persons who shall have personal supervision of the construction and repair of public buildings; and the said board shall appoint a street commissioner, who shall have charge of the grading, paving, improving, cleaning and care of the streets, sidewalks, alleys and public grounds, the construction of sidewalks, and the cleaning and deepening [of] the ditches, drains and gutters, under the direction of said board of public works, who may remove the said street commissioner at pleasure, and may appoint such other subordinates as may be necessary to enable the board to properly perform the duties devolving upon it. Said board shall determine the compensation of said engineer and other appointees of said board, subject to a change by a majority vote of all the members elect of the common council; and all other claims for the same, when certified by the board, shall be submitted to the common council for allowance and payment, in the same manner as other claims against the city.

SEC. 140. The said board shall classify the various works under its control, and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs, superintendence, and salaries of employes, and, also, detailed accounts of all other matters under its charge and control, and upon the first Monday of January of each year, and oftener if required by the common council, shall submit to it a statement, showing in detail, the progress and condition of all the public improvements commenced or carried forward by said board; the character and amounts of all contracts made by the board; the moneys earned and paid thereon; and all other

information necessary to the full understanding of the business conducted by said board. The board shall from time to time make estimates of the amounts earned and payable upon any contract for work done and materials furnished, and report the same to the common council; and thereupon it shall be the duty of the common council, without unreasonable delay, to order payment from the proper funds, of the amount so reported.

SEC. 141. The city attorney shall act as legal adviser of said board; and the city clerk shall be the clerk thereof; and shall keep a full record of its proceedings, showing the vote by ayes and nays, of each member upon all orders, resolutions or recommendations, which records shall be deemed to be public records, and shall at all times be open to the public inspection; and a copy thereof published within five days after each session, in the official newspaper of the city, and the marshal with his deputies and policemen shall be at the service of the board in serving the sidewalk notices, and enforcing the ordinances relative to the repair of sidewalks. A majority of the board shall form a quorum for the transaction of business, but a majority of all members constituting said board shall be necessary to decide any questions before the same. The board shall have the power to make all such by-laws, rules and regulations as may be necessary or expedient for the conduct of its business, not inconsistent with the provisions of the charter and ordinances of the city. It shall have the power to fix the duties, and at any time, to suspend or discharge any of its appointees or employees, and appoint or employ others in their places (as to the said board the public interest may seem to require) except as otherwise provided in this act.

SEC. 142. The street commissioner appointed by the said board, shall, before entering upon the duties of his office, execute a bond to the City of Ann Arbor

in the sum of one thousand dollars, conditioned for the faithful performance of duties of said office, with sureties to be approved by the common council; and if said street commissioner shall fail or neglect to give such bond within ten days after his appointment, he shall be deemed to have resigned his office, and a vacancy thereby created may be filled by the appointment as hereinbefore provided.

SEC. 143. No member of said board, the street commissioner, nor engineer, shall hold any elective office under the charter of said city while holding said office; and his election to and acceptance of any office in said city shall be deemed a resignation of membership, and shall vacate his office in said board. No member of said board, street commissioner or city engineer, shall be personally interested, either directly or indirectly, in any contract for any public work in said city; nor in the purchase, sale or disposition of any material to be used or applied in or about any public work or improvement. Any member of said board may be, at any time, removed by the common council of said city for official misconduct, or for the unfaithful or inefficient performance of the duties of his office: *Provided*, That the charges against the said member sought to be removed, and the notice of the time and place of hearing the same, shall be served on him at least ten days previous to the time so assigned, and an opportunity given him to make his defense. Whenever a member shall be removed or a vacancy in said board shall occur by reason of the removal of any member from the city, resignation, death, or otherwise, the same shall be filled for the unexpired term by the appointment of the mayor, with the consent of the common council.

SEC. 144. All books, surveys, field notes, plats, plans, specifications and other records of every description in the custody of said city engineer or other city officers shall forthwith, on the organization of

the board of public works, be delivered to it; and the same, together with all future surveys, surveyors' field notes, plats, records, plans, profile and other papers connected with the work of the board, shall belong to the city and be carefully preserved as public records. All contracts for public improvements heretofore lawfully entered into by any person with the city, or any lawfully authorized board or officer thereof, shall be carried out and completed under the direction of the said board of public works.

Fire Department.

SEC. 145. There shall be a board of fire commissioners in said city. It shall consist of three good and competent men who are electors therein. They shall be appointed by the mayor, subject to the approval of the majority of all the aldermen elect. The full term of a member shall be three years, but the members shall be subject to classification in such a manner that one term shall expire in each year. They shall serve without compensation.

SEC. 146. The board of fire commissioners shall have power, subject to the charter and ordinances of said city, to establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and the persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; and said council is hereby required to make such ordinances as are required therefor. The board of fire commissioners shall have power to organize and maintain fire companies, to employ and appoint firemen, and to make and establish rules and regulations for the government of the department, the employees, firemen, and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department; and prescrib-

ing the powers and duties of such employes, firemen and officers.

SEC. 147. The board of fire commissioners shall nominate and with the consent of the common council shall appoint a chief of the fire department. The city clerk shall be secretary of said board.

SEC. 148. The fire commissioners may, subject to the consent of the common council, purchase and provide suitable engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishing of fires, and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the city.

SEC. 149. The chief of the fire department shall be subject to the direction of the board of fire commissioners and have the supervision and direction of the department and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the board of fire commissioners may prescribe.

SEC. 150. The members of the board of fire commissioners, chief of the fire department, chief of police or any officer of the fire department may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman to arrest such person and confine him temporarily until the fire shall be extinguished, and in addition thereto he shall be punished in such manner as may be prescribed by the ordinance of the city.

SEC. 151. The board of fire commissioners may provide for the appointment of and may appoint such number of fire wardens as may be deemed necessary,

and for the examination by them from time to time, of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings and structures within the city, and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

SEC. 152. The common council may prescribe by ordinance from time to time, limits or districts within the city, within which wooden (frames) buildings shall not be erected, placed, enlarged, renewed, or repaired, and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the walls and roofs shall be constructed.

SEC. 153. The common council may also prohibit within such places or districts as they shall deem expedient for the location of shops; the prosecution of any trade or business; the keeping of lumber yards and the storing of lumber, wood or other easily inflammable material in open places, when, in the opinion of the common council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances and the use of lights in buildings, to prohibit and regulate the erection and maintenance of boilers, engines and chimneys, and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

SEC. 154. Every building or structure, engine or boiler which may be erected, placed, repaired, renewed, enlarged, or kept in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be removed by the direction of the board of fire commissioners.

SEC. 155. The officers, firemen, and employes of

the department shall receive such compensation as the common council may prescribe; and during their term of service shall be exempt from serving on juries. The common council may provide suitable compensation for an injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

SEC. 156. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two fire commissioners, may cause any building to be pulled down or destroyed when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in the building shall apply to the common council within three months after the fire, for damages or compensation for such building the common council shall pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of the jury, to be selected in the same manner as in the case of juries to appraise damages for taking private property for public use; and the common council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would have probably occurred to such if it had not been pulled down or destroyed.

SEC. 157. The said fire department, its officers and men, with their engines and apparatus of all kinds, shall have the right of way going to any fire or in any highway, street or alley, over any and all vehicles of every kind, except those carrying the United States mail; and any person who shall refuse the right of way, or in any manner obstruct any fire apparatus, or any of said officers and men while in

the performance of their duties, or shall drive over or cut any hose, shall be guilty of a misdemeanor and liable to punishment for the same. It shall be lawful for said board to send an engine, with hose and apparatus, to the relief of any community in the vicinity of Ann Arbor.

SEC. 158. Whenever a person or corporation shall be desirous of erecting or altering any building within the fire limits of said city, he, she or they shall make application at the office of the chief of the fire department for a permit for that purpose, and shall furnish for the examination of said chief a written statement of the proposed location, the dimensions, the manner of constructing the proposed building or alteration, the material to be used, the estimated cost, and the contract for completion. It shall be the duty of the chief, on receiving such application, to inspect the location, and to fully examine the question of granting such permit, and if he shall be satisfied that the building or alteration proposed will comply with the ordinances of the city; and the erection of the same will in any other respect be proper, he shall, subject to the approval of the board of fire commissioners, give such applicant a permit therefor, and such applicant shall pay to the chief the sum of one dollar, if the estimated cost of said building or alteration shall be less than one thousand dollars; two dollars if it shall be more than one thousand dollars and less than five thousand dollars, and for every additional one thousand dollars over five thousand dollars, the further sum of fifty cents. All money so received by the chief shall be paid by him into the city treasury at least once a month, and a detailed statement thereof, giving the date when, and the name of the person from whom received, shall be filed in the office of the city clerk.

SEC. 159. It shall be the duty of the chief of the fire department to visit and inspect each building

which may be in the course of erection, construction or alteration within the fire limits of said city, and to see that such house or building is being erected, constructed or altered according to the provisions of the city ordinances and the permit so granted, and in a manner adapted for the security thereof against fires, and the safety of the occupants. His visits and inspection may be repeated from time to time until such house or building is completed, when he shall, if requested, furnish the owner or [contractor] constructor with a certificate that said house or building is in all respects conformable to law and properly constructed.

SEC. 160. It shall be the duty of the board of fire commissioners to cause the chief of the department to examine into the cause, circumstances and origin of all fires occurring in said city, by which any building, erection or valuable personal property shall be accidentally or unlawfully burned, destroyed or damaged, and to especially inquire and examine whether such fire was the result of carelessness or the act of [an] incendiary. The chief of the fire department may take the testimony of all persons supposed to be cognizant of any facts connected with such fire; said testimony shall be reduced to writing and shall be transmitted to the board of fire commissioners, together with a report by the chief of the fire department embodying his opinion in regard thereto. The chief of the fire department shall also report to the chief of police, to the prosecuting attorney of Washtenaw county and to the owners of property or other persons interested in the subject matter of such investigation, any facts or circumstances which he may have ascertained which shall in his opinion require attention from or by said officers or persons.

The Public Health.

SEC. 161.* There shall be a board of health in said city which shall consist of three members, one of whom shall be a competent physician; they shall be appointed by the mayor, by and with the consent of the common council, for the full term of three years; but the members shall be subject to classification in such manner that one term shall expire each year; one of the members of said board, in addition to the powers and duties incumbent upon him as a member of said board, shall be city health officer and shall exercise such powers and duties as shall be from time to time conferred upon him by said board of health and the common council of said city. Said city health officer shall in all cases be a competent physician and the mayor shall designate which of the members of said board shall be city health officer, and such member of the board of health shall continue to discharge the duties of city health officer during the term for which he was appointed as a member of said board. Such city health officer shall be executive officer of the board of health, shall perform such duties of inspection as may be necessary for the information and guidance of said board and shall do the work of fumigating in all cases where it is necessary for it to be done within said city. Said health officer shall receive six hundred dollars per annum which shall be in full for his services. The other members of the said board of health shall receive such compensation as the common council may allow not exceeding fifty dollars per annum.

SEC. 162. The said board shall have and possess all the powers given by the general statutes of this state to boards of health in townships, in addition to those herein particularly enumerated, except when the powers granted would conflict with the provisions

* As amended March, 1907.

contained in this charter. Said board of health shall have power and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain, and examine for that purpose every person coming from any place infected or believed to be infected with such a disease; to establish, maintain, and regulate a pest-house or hospital, at some place within the city or not exceeding three miles beyond its limits or bounds; to cause any person not being a resident of the city who shall be or is suspected of being infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city infected to be removed to such pest-house or hospital if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the public health: *Provided*, It can be done with safety to the patient; to remove from the city or destroy any furniture, wearing apparel, goods, wares and merchandise, or other articles of property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be in or likely to pass into such state as to generate and propagate disease; to abate all nuisances of every description which are or may be injurious to the public health in any way or in any manner they may deem expedient, and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and suppression of disease in the city and to carry into effect and execute the powers hereby granted.

SEC. 163. The owner, driver, conductor or person in charge of any stage coach, railroad car or any other public conveyance which shall enter the city having on board any person sick of malignant fever or pesti-

lence or infectious disease, shall, within two hours after the arrival of such sick person, report the fact in writing, with the name of such person and the house or place where he was put down in the city, to the mayor or some member or officer of the board of health.

SEC. 164. Any person who shall knowingly bring or procure, or cause to be brought into the city any property of any kind tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine and imprisonment.

SEC. 165. Every keeper of an inn, boarding house or lodging house in the city, who shall have in his house at any time any sick traveler or stranger, shall report the fact and name of the person in writing, within six hours after his sickness becomes known, to the mayor or some other officer or member of the board of health; and every physician in the city shall report, under this head, to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have first visited such patient or discovered the infectious nature of the disease. The common council may provide by ordinance for the punishment of persons violating any of the provisions of this or the two preceding sections.

SEC. 166. All fines imposed under any ordinance passed under this title shall belong to the city, and when collected shall be paid into the treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital hereafter established by the city.

SEC. 167. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and

proper for the filling up, draining, cleansing and regulating any grounds, yards, basins, or cellars within the said city that shall be sunken, damp, foul, encumbered with filth and rubbish, unwholesome, and for filling, or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such works as shall be necessary for the purpose aforesaid and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons respectively upon whom the same may be assessed, and for that purpose cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith sold in case of non-payment, the same as provided by law with respect to other improvements within said city, and in all cases when the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such assessment shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot, shall be the amount of money expended in making such improvement upon such premises, together with the ratable proportion of the expenses of assessing and collecting the money expended in making the improvements.

SEC. 168. Whenever, in the opinion of the common council, any building, fence or other erection of any kind, or part thereof, is liable to fall down, and persons or property may be endangered, they may order any owner or occupant of the premises on which said building, fence or other erection stands to take down the same or any part thereof within a reason-

able time, to be fixed by said order, or immediately, as the case may require, or may immediately, in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the same on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises or be published in the city papers, as the common council shall direct.

SEC. 169. The members of the board of health and the health officers shall receive such compensation for their services as may be allowed by the common council.

Finance and Taxation.

SEC. 170. The common council shall examine, settle and allow all accounts and demands properly chargeable against the said city, as well of its officers as of other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of the said city, subject only to the limitation and restrictions in this act contained. The fiscal [year] shall commence on the first day of February in each year.

SEC. 171. The common council shall have authority to assess, levy, and collect taxes on all the real and personal estate taxable in said city, which tax shall be and remain a lien upon the property so assessed until the same shall be paid: *Provided*, That the aggregate amount which the council may raise by general tax upon the taxable real and personal property for the purposes for which the several general funds are hereinafter constituted shall not, except as herein otherwise provided, exceed in any one year one-half of one per cent. on the assessed value of all the real and personal property in the city made taxable by law: *And provided further*, That nothing herein contained shall be so construed as to prohibit the com-

mon council of said city from regulating by tax or otherwise the business of dealing in malt, spirituous or intoxicating liquors.

SEC. 172.* The common council shall designate by ordinance the general funds into which the general tax upon all the property of the city shall be divided and the amount to be raised by tax for each of the general funds shall be determined by the common council prior to the tax levy and no transfer shall be made from one fund to another except by a three-fourths vote of all the members of the common council elect.

SEC. 173. It shall be the duty of the city assessor, as soon as possible after entering upon the duties of his office, to ascertain the taxable property of the city, and the persons to whom it should be assessed and their residence, and on or before the second Monday in June each year he shall make and complete an assessment roll for each and every ward in said city, upon which he shall set down the names of persons liable to be taxed for personal property in the city, and also a full description of the real property liable to be taxed therein. In making such rolls he shall be governed by the general laws of the state providing for the assessment of property and the levy and collection of taxes thereon, and shall have all the powers conferred upon the supervisors of townships.

SEC. 174. On the Tuesday next following the second Monday in June in each year, the board of review, consisting of the assessor and the supervisors of the several wards, shall meet at the common council room in said city, at which time the assessor shall submit to said board the several ward assessment rolls for the current year, as prepared by him, and the said board shall proceed to examine the same during such week, during at least six hours of each day thereof,

*As amended June 19, 1907.

in the same manner, and with the same powers as provided by general law. A majority of the members of said board shall constitute a quorum. The assessor shall be chairman of said board and the city clerk shall act as clerk thereof. Whenever said board shall raise the valuation of personal property above that set forth in the written statement furnished by any person to the supervisor or assessor it shall be the duty of said board of review, on the request of the person whose valuation is so raised, to make and deliver to such person a written statement signed by the chairman of said board, setting forth the kinds with the value thereof of such personal property as has been added by said board to such valuation.

SEC. 175. The said board of review shall also meet at the common council room on the third Monday in June, at nine o'clock in the forenoon, and continue in open and public session during that day and the day following, and as much longer as may be necessary to complete the review of said assessment rolls, not to exceed four days in all, and not less than six hours each day, and at the request of any person whose property is assessed on said rolls, or of his agent, and on sufficient cause being shown, shall correct the assessment in such manner as in their judgment will make the valuation thereof just and equal. To that end said board may examine on oath the person making such application, or any other person touching the matter. Any member of said board may administer such oath. After said board shall complete the review of said rolls, a certificate to the effect that the same is the assessment roll for the ward therein named, for the year in which it has been prepared and approved by the board of review, shall be endorsed thereon, signed by the chairman and clerk of said board, which certificate may be in the form as follows: 'The Board of Review of the City of Ann Arbor certify that the within or annexed roll is the

assessment roll of the..... ward of the City of Ann Arbor for the year 18——, as approved by said board.

Chairman.....

Clerk.....

Upon the completion of said rolls and their indorsement in the manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes prescribed by the general state law. The omission of such indorsement shall not affect the validity of such roll.

SEC. 176. For the purpose of equalization by the board of supervisors of the County of Washtenaw the said ward assessment rolls shall be deemed as a single roll; the valuation fixed and determined by said board shall be the valuation of the taxable property of the City of Ann Arbor as a unit, and the state, county and other taxes apportioned by said board shall be apportioned to said city and not to any ward thereof.

SEC. 177. Whenever the common council shall deem it necessary to raise a greater sum in one year than provided for in section one hundred and seventy-one (171) they shall give at least five days' notice in writing to be posted up in at least five public places in each ward in said city, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the moneys proposed to be raised are to be expended, and when such meeting shall be assembled in pursuance of such notice the electors qualified to vote thereat by a ballot vote shall determine the amounts of the money which shall be raised for the objects specified in the notice: *Provided*, That the aggregate amount of city taxes levied shall not in any one year exceed one per cent. of the valuation of the real and personal estate taxable within the limits of the city: [*And*] *provided also*,

That no more than two such meetings shall be held in any calendar year. The polls at any such meeting shall be kept open at least six hours, and the common council shall appoint three of its members to act as inspectors. The city clerk shall be the clerk of such meeting and shall keep a poll list of the electors voting.

SEC. 178. All state, county and school taxes in said city, and all city taxes which shall be raised by a general tax, shall be levied and collected, as near as may be, in the same manner as provided by the law for the assessment and collection of taxes by township officers; and all proceedings for the return, sale and redemption of real estate for non-payment of taxes, shall be in conformity with the proceedings for the return, sale and redemption of real estate as required by the laws of this state.

SEC. 179. Whenever the common council shall authorize a tax to be levied for any special purpose, and which cannot be included in the assessment roll and collected and returned for non-payment, as provided in the preceding section of this act, it shall be lawful for the common council to apportion such tax upon the property taxable for such purpose, according to the valuation contained in the then last assessment roll, and shall place the tax in a column opposite the valuation of the property; and where such roll is completed, the city clerk shall make and deliver a copy thereof to the treasurer of said city, together with a warrant or warrants, signed by the mayor and city clerk, commanding such treasurer to collect from the several persons named in said roll, opposite their respective names, within a time in said warrant specified, not less than thirty days nor more than ninety days from the date thereof, together with a collection fee of one per cent, which said treasurer may add to each person's tax and collect therewith; and such warrant shall authorize the treasurer, in case any

person named in said roll shall neglect or refuse to pay his tax, with the collection fee above provided, to levy the same by distress and sale of the goods and chattels of such person; and it shall be the duty of such treasurer to collect such taxes within the time specified in such warrant, or within such further time as the common council may by resolution direct, and deliver such roll and warrant to the city clerk; and if any person shall neglect or refuse to pay the tax imposed upon him, the treasurer may levy the same by distress and sale of goods and chattels of such person in the same manner as township treasurers, and if any of the taxes mentioned in said roll shall remain unpaid, and the treasurer shall be unable to collect the same from the person taxed, he shall make out and deliver to the city clerk a full and perfect copy from said roll of the description of the premises so taxed, and of the taxes thereon unpaid, and shall add thereto an affidavit, sworn to before an officer authorized to administer oaths for general purposes, that the sums mentioned in such statement remain unpaid, and that he has not, upon diligent search and inquiry, been able to discover any goods or chattels belonging to the person taxed, whereupon he could levy the same.

SEC. 180. The common council may by ordinance provide for the collection of all taxes necessary to be raised, other than such as may be raised as provided in section one hundred and seventy-four [seventy-one (171)], and for the sale of any real estate for the non-payment of such tax, and for the redemption thereof: *Provided*, That all the proceedings relative to the notice of sale, the manner of conducting the same and the time to redeem, shall be in conformity as near as may be to the provisions of law regulating the sale of lands delinquent [at] for state, county and township taxes.

SEC. 181.* On or before the first Monday in June in each year the city clerk shall certify to the assessor of said city the aggregate of all sums of money which the common council require to be raised for the year for all city purposes by general taxation, upon all the taxable property of the whole city and it shall no longer be necessary to certify the appropriations made by the common council to the board of supervisors of the County of Washtenaw. The assessor of said city shall levy upon all the taxable property of the city the aggregate amount of all such sums of money so certified to him, by the city clerk, to be raised for city purposes, placing the taxes in a column next adjoining the column of valuation of property fixed by the board of review, and on or before the fifteenth day of July, the assessor shall deliver a certified copy of said assessment roll of the several wards, with the taxes entered therein as aforesaid, to the city treasurer, with his warrant for the collection of the tax thereon, annexed thereto. The warrant annexed to said tax rolls shall command the city treasurer to collect from the several persons named in said rolls the several sums set down in the column of city taxes, and such warrant shall authorize the city treasurer in case any person named in such rolls shall neglect or refuse to pay his, her or their tax with the fees for collection, to be added by said treasurer as hereinafter provided, to levy the same by distress and sale of the goods and chattels of such person, as provided in the general tax laws of the state. The city treasurer shall immediately after the receipt of the several tax rolls, post up in the post-office in said city and in as many as ten of the most conspicuous places in each ward of said city, conspicuous hand-bills giving notice where the tax rolls can be seen, the taxes paid and receipt

* As amended April 27, 1893.

obtained therefor, at any time between nine o'clock in the forenoon and twelve o'clock noon, and from one o'clock until four o'clock in the afternoon, from the fifteenth day of July until the fifteenth day of August (Sunday excepted) and the tax rolls shall be kept at the place mentioned in such hand-bills during the days and hours specified so that any person or persons can pay the tax or taxes assessed against him or them and obtain the treasurer's receipt therefor. Within one week after the fifteenth day of August the treasurer shall return to the city assessor the rolls received from him for the collection of the city taxes with the several taxes paid plainly stamped or marked paid in the column next adjoining the column for such city taxes. The city assessor shall carry out in another column the city taxes remaining unpaid with five per cent. thereof added thereto, and shall include such taxes so carried out with such percentage added in the aggregate of taxes to be collected from the several persons on the said tax rolls. The assessor of said city shall on or before the first day of December, deliver to the city treasurer a copy of the corrected assessment rolls of the several wards with the taxes annexed to each valuation and aggregated in the last column thereof, the unpaid city taxes in one column, the school, library and schoolhouse taxes in another column, the county taxes in another and the state taxes in another column and the warrant for the collection shall specify particularly the several amounts and purposes for which said taxes are to be paid into the city, county and school treasury respectively.

SEC. 182. To such assessment roll or tax list the assessor shall annex a warrant, under his hand, directed to the city treasurer, commanding him to collect from the several persons named in said roll the several sums mentioned in the last column of such roll opposite their respective names; and such warrant shall authorize the treasurer, in case any

person named in such roll shall neglect or refuse to pay his tax, with the fees for collection to be added by said treasurer, as hereinafter provided, to levy the same by distress and sale of the goods and chattels of such person.

SEC. 183. The city treasurer shall, immediately after the receipt of the several tax rolls, post up in the post-office in said city, and in as many as ten of the most public places in each ward of said city, conspicuous hand-bills, giving notice where the tax rolls can be seen, the taxes paid, and a receipt obtained therefor, at any time between nine o'clock in the forenoon and twelve o'clock, noon, and from one o'clock until four o'clock in the afternoon, during the month of December (Sundays and Christmas excepted); and the tax rolls shall be kept in the place mentioned in such hand-bills during the days and hours above specified, so that any person or persons can pay the tax or taxes assessed against him or them, and obtain the treasurer's receipt therefor.

SEC. 184.* Upon all taxes paid to the treasurer between the fifteenth day of July and the fifteenth day of August, he shall add one-half of one per cent. for collection fees; upon all taxes paid to the treasurer during the month of December he shall add one-half of one per cent. for collection fees; upon all taxes collected by him during January he shall add one and a half per cent. for such collection fees; and upon all taxes collected by him after January thirty-first he shall add two and a half per cent. for such collection fees, and collect such percentage with such tax in the same manner as he is authorized to collect the tax, and for the purpose of collecting such fees by the treasurer such percentage shall be deemed and taken to be a part of the tax.

SEC. 185. The treasurer of said city shall proceed

*As amended April 27, 1893.

to collect the taxes in the several wards, and on or before the first day of February shall account for and pay over to the county treasurer the amounts specified in the several warrants to be collected for State and county purposes, and shall return to the said county treasurer a statement of the taxes remaining unpaid and due, in the manner provided by law for township treasurers; and all the provisions of the laws of this State relating to the collection of taxes by township treasurers, or to the paying over of money by the township treasurers to the county treasurer or returning by the township treasurer to the county treasurer of a statement of the taxes remaining unpaid and due, are hereby made applicable to the treasurer of said city.

SEC. 186.* No bond, note or other obligation or evidence of indebtedness of said corporation, except orders on the treasurer, as hereinafter provided, and also except bonds for sewerage and paving purposes, shall ever be given or issued by said corporation, or by any officer thereof, in his official capacity, whereby the said city shall become obligated to pay any money, unless the same shall have been duly authorized by the legislature of this State, and shall have been submitted to and voted for by a majority of the electors of said city voting thereon, in conformity to this act; but the common council may allow just claims against the city, and may issue orders therefor on the treasurer, or payable on presentation from any moneys then in the treasury, on the first day of February thereafter; but such second named class of orders shall not, in any fiscal year, exceed the aggregate taxes levied in such year for the payment of the same. All moneys collected for the use of the city shall be paid into the city treasury, and no moneys shall be paid from the treasury unless it shall have been pre-

* As amended May 10, 1899.

viously appropriated by the common council to the purpose for which it shall be drawn. The treasurer shall pay out no money except upon the written warrant of the mayor and city clerk, which warrant shall specify the fund from which the money is to be paid: *Provided*, That school moneys shall be paid to the treasurer of school district number one of the city of Ann Arbor upon the warrant of the president and secretary of said board. The common council may, at any regular meeting thereof, by resolution duly adopted by a majority of all the members elect authorize the issuing of bonds to the amount not exceeding one hundred and fifty thousand dollars outstanding at any one time, for the purpose of paving any alley, street or streets in such city, such bonds to run for a period not exceeding ten years from the date of their issue, and at a rate of interest not exceeding five per cent. per annum, and the common council for the purpose of carrying out this provision may pass such ordinance or ordinances as may be deemed necessary.

Miscellaneous.

SEC. 187. The assessor and supervisor of each ward and city clerk shall at the time appointed in each year for the return of the several ward assessment rolls, make a list of persons to serve as petit jurors, and a list to serve as grand jurors for the ensuing year, of the qualifications and in the manner prescribed by law.

SEC. 188. Any person who may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be deemed guilty of perjury.

SEC. 189. If any suit should be commenced against any person elected or appointed under this

act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit, whereby any such defendant shall be entitled to costs, he shall recover double costs, in the manner defined by law.

SEC. 190. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this state, in relation to school, school taxes, county and state taxes and state, district and county elections; and the supervisors and assessors, justices of the peace and city clerk, and all other officers of said city, who are required to perform the duties of township officers of this state, shall take the oath, give the bond, perform like duties, and receive the same pay and in the same manner and be subject to the same liabilities, as provided for the corresponding township officers, excepting as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

SEC. 191. The ordinances now in force in the city of Ann Arbor shall remain in force until repealed altered or amended by the common council; and all property, rights, credits and effects of every kind, belonging to the City of Ann Arbor, shall be and remain the property of the said city of Ann Arbor.

SEC. 192. All acts heretofore enacted in regard to the village of Ann Arbor, or the city of Ann Arbor, coming within the purview of this act, are hereby repealed: *Provided*, That the repealing of said acts aforesaid shall not affect any act already done, or any right acquired under, or proceeding had or commenced by virtue thereof, but the same shall remain as valid as if said acts remained in full force: *And*

provided further, That all persons now holding office in the City of Ann Arbor, under the acts hereby repealed, shall continue to hold and exercise the duties of such offices during the term for which they were respectively elected.

SEC. 193. This act shall not be construed so as to change, alter or annul any act heretofore passed for the organization or government of school district number one, of the city and township of Ann Arbor.

This act is ordered to take immediate effect.

Approved March 15th, 1889.

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LOCAL ACTS, 1895.—No. 313.

AN ACT to authorize and empower and enable the city of Ann Arbor to construct and maintain a system of sewers and to raise the necessary money therefor, and to legalize the proceedings and acts of the common council and officers of the city of Ann Arbor had by virtue of act number four hundred thirteen of the local acts of eighteen hundred ninety-three.

SECTION 1. *The People of the State of Michigan enact*, That the City of Ann Arbor is hereby authorized and empowered to construct and maintain a system of sewers within said city, and to require, under suitable penalties, all dwelling houses, hotels and other inhabited buildings situate in said city and adjacent to any part of said sewer system, to connect therewith; and to construct and maintain the outlet thereof in the Huron river at any convenient place easterly from the Michigan Central Railway Company's principal station house in the City of Ann Arbor.

SEC. 2. That all lateral and connecting sewers may be constructed at the cost and expense of the

lands, tenements and premises adjacent thereto and benefitted thereby, and the cost thereof may be levied on and assessed against such lands, tenements and premises, and collected from the owners thereof by foot frontage, according to benefits, or by land values as the common council shall or may determine by ordinance. The common council shall have power and authority to make and ordain all needful rules, regulations and ordinances, which shall or may be necessary to enable said city to construct, maintain and protect such system of sewers, including all lateral and connecting sewers.

SEC. 3. The common council of said city is hereby authorized and empowered to raise by loan on the taxable property of said city a sum of money not exceeding one hundred and fifty thousand dollars for a period not longer than five years and at a rate of interest not greater than five per cent per annum for the purpose of enabling said city to construct said sewer system: *Provided*, That not more than forty thousand dollars of such bonded indebtedness shall be outstanding at any one time.

SEC. 4. The common council shall assess the cost of the construction of all lateral and connecting sewers (excepting street crossing, which shall be a charge against the general sewer fund) upon all the property adjacent thereto as aforesaid, and all such assessments, with the interest thereon, shall remain a valid lien upon and against such premises so taxed and a valid debt and charge against the owner thereof until paid, and all such taxes and assessments shall be paid by the owner or person against whom the same may have been assessed in equal annual installments during a period not exceeding five years from the date of such levy and assessment, with interest thereon at the same rate not exceeding five per cent., which shall be stated in the bonded indebtedness created therefor: *Provided*, That any person may

elect and pay the whole of any such assessment at any time, paying all accrued interest thereon, and all such payments shall be credited to the particular sewer fund for the construction of which the same may have been levied, and shall be applied to pay the particular bonds issued therefor.

SEC. 5. It shall be lawful for and the common council shall on or before the fourth Monday in June in each year certify to the city assessor the sum or sums of money required to pay for all the laterals and connecting sewers which they require to be raised on the tax roll of that year, together with a description of the lands and premises to be taxed for the same, and the city assessor shall place on the city tax roll of that year all such sum or sums so required to be raised, according to the provisions of the ordinances of said city, placing said sewer tax in a separate column on said tax roll, and said sum or sums of money so set down and spread upon such tax roll shall be, remain and continue a valid debt, demand and tax against the owners of the lands and premises, and a valid tax on and against the lands, tenements and premises in front of or adjacent to which any such lateral or connecting sewer may have been constructed, and shall be collected in the same manner in every particular as the other city taxes set down in and spread upon such tax rolls are collected.

SEC. 6. That the proceedings and acts of the common council and officers of the City of Ann Arbor, in the County of Washtenaw, heretofore taken and had by virtue of the provisions of act number four hundred and thirteen of the local acts of Michigan of eighteen hundred and ninety-three, be and the same are hereby declared to be in all things valid and legal.

This act is ordered to take immediate effect.

Approved March 8, 1895.

LOCAL ACTS, 1895.—No. 376.

AN ACT to authorize the common council of the City of Ann Arbor, Washtenaw county, by ordinance, to enter into a contract not exceeding five years with any electric or gas light company to furnish electric or gas lights for its streets, public buildings and public places.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Ann Arbor, in the county of Washtenaw, shall have power by ordinance, to enter into a contract not exceeding five years with any electric or gas light company to furnish electric or gas lights for its streets, public buildings and public places.

This act is ordered to take immediate effect.

Approved April 17, 1895.

LOCAL ACTS, 1889.—No. 343.

AN ACT to authorize the City of Ann Arbor to raise twenty-five thousand dollars for a hospital.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Ann Arbor is hereby authorized and empowered to raise by tax upon the taxable property in said city, or by part tax and part loan, the sum of twenty-five thousand dollars to aid in the erection and furnishing of a hospital to be placed under the control of the regents of the University of Michigan, and to be known as the "University Hospital"; *Provided*, That no tax shall be levied or loan made for such purpose until the same shall have been authorized by a vote of the electors of said city, at a meeting to be convened pursuant to notice given as in such cases by the charter of said city provided: *And provided further*, That no tax shall be levied or bonds issued until the legisla-

ture now in session shall have appropriated the sum of fifty thousand dollars for said hospital.

SEC. 2. Any loan negotiated for the purpose authorized in the preceding section, may be made payable in such installments and within such time not exceeding ten years from date thereof, as the common council shall determine, and shall bear interest not exceeding four per cent per annum; and annually the common council may raise by tax as hereinbefore provided, a sufficient sum to pay the next installment of said loan to become due, with the interest on all of said loan unpaid, which sum may be in addition to the tax said common council may levy without a vote of the electors of said city.

This act is ordered to take immediate effect.

Approved March 21, 1889.

LOCAL ACTS, 1901.—No. 293.

AN ACT to authorize and enable the city of Ann Arbor to build and construct a suitable building for a city hall, to purchase land therefor and to raise the money for such purpose by a tax and loan.

The People of the State of Michigan enact:

SECTION 1. The City of Ann Arbor is hereby authorized and empowered to build, construct and maintain a suitable building for a city hall, to purchase land therefor and to raise by tax or loan on the taxable property of the said city a sum of money not exceeding thirty thousand dollars for such purpose.

SEC. 2. Whenever the common council shall propose to cause any such city hall building to be constructed they shall so declare by resolution, specifying the sum of money purposed to be expended for

that purpose, to be passed by at least a two-thirds vote of all the aldermen elect and shall cause such resolution to be entered in the record of their proceedings, whereupon the common council may at the then or next regular meeting have power and authority to call a special meeting of the qualified electors of the city pursuant to the provisions of the charter, and shall submit to the said electors the questions of raising the money for such purpose by loan or otherwise. The vote of the said electors on such question shall be by ballot. The ballot shall be printed on white paper of equal length and width. The affirmative ballot shall have printed thereon the words "For the city hall loan—Yes." The negative ballots shall have printed thereon the words "For the city hall loan—No." The canvass of the vote and the determination of the result of such election shall be in accordance with the provisions of the city charter: *Provided, however,* That nothing in this act contained or in the city charter shall be construed to prevent the common council in its discretion to order the vote at such election and the question submitted to be voted on and determined by the use of the Abbott voting machine. In the event of the use of the Abbott voting machine all "no choice" votes shall be disregarded and not counted.

SEC. 3. If the electors at said election shall vote to authorize the construction of such city hall building then the common council shall have power and authority to issue and dispose of the bonds of the city of Ann Arbor in a sum not exceeding thirty thousand dollars for such purpose. The said bonds to be issued in such denominations and payable at such times and in such installments not exceeding thirty years and at a rate of interest not exceeding four per cent. per annum as the common council shall determine: *Provided,* That none of said bonds shall be sold or disposed of for less than par value.

SEC. 4. After the sale and disposition of the said bonds or any part thereof the common council shall have power and authority and it shall be the duty of the common council to include in each annual tax bill or budget a sum of money sufficient to pay and discharge any sum either of interest or principal which shall be due or become due on account of the said bonds during the year in which any such tax is raised and all such sums of money so to be levied and assessed shall be in addition to and in excess of the money authorized by law to be levied and raised for all other city purposes.

This act is ordered to take immediate effect.

Approved February 25, 1901.

LOCAL ACTS, 1901.—No. 294.

AN ACT to authorize the city of Ann Arbor to purchase the water-works plant, property, rights and franchises of the Ann Arbor Water Company and issue the bonds of the said city in payment therefor.

The People of the State of Michigan enact:

SECTION 1. The City of Ann Arbor may borrow money and issue the bonds of the said city therefor in any sum not exceeding four hundred and fifty thousand dollars for the purpose of purchasing the water-works plant, property, rights, business and franchises, and all appurtenances thereto, of the Ann Arbor Water Company. The common council of the said city shall have power to fix the time and place of the payment of the principal and interest of the debt authorized by this act, and may authorize the issue of the bonds of the said city therefor in any sum not exceeding four hundred and fifty thousand dollars, and in such denominations as the said common council shall determine: *Provided*, That the bonds auth-

orized by this act shall not be sold for less than the par value thereof and the rate of interest thereon shall not exceed four per cent. per annum.

SEC. 2. Before any money shall be borrowed, appropriated, raised or expended for the purchase of the said water-works plant, property, business, rights and franchises, the common council of the said city shall determine and agree with the Ann Arbor Water Company upon the sum to be paid the said Water Company by the said city, for the said water-works plant, property, business, rights and franchises, and all appurtenances thereto, as the fair value thereof, and the question of purchasing the said water-works plant at the sum so determined and agreed upon as the fair value thereof shall be submitted to the electors of the said city at the next annual city election, or at a special election called for that purpose, and if a majority of the electors voting upon the said question shall vote to purchase the said water-works plant at the sum determined and agreed upon, then it shall be the duty of the said common council to authorize the issue of the bonds of the said city in the sum so determined, as the same shall be necessary, and to do all things necessary to consummate the purchase and transfer of the water-works plant, property, business, rights and franchises, and all appurtenances thereto, of the Ann Arbor Water Company to the said city of Ann Arbor: *Provided*, That should the said question be submitted to the electors of the said city at a special election, such election shall be conducted under the provisions of the charter of the city of Ann Arbor relating to elections, except that nothing therein contained shall prevent the common council of the said city from authorizing the votes cast upon the said question, whether at an annual or special election, to be voted, registered and counted upon the Abbott voting machine, and in the event of the use of the Abbott voting machine no "no choice"

votes shall be counted, but shall be regarded as not cast.

SEC. 3. The common council of the said city shall have the power, and it shall be their duty, to raise by tax upon the taxable property of the said city, such sum or sums as shall be sufficient, together with the surplus revenues from the operation of the said water-works, to pay the principal and interest upon the said bonds as the same shall become due and payable; and all taxes levied for this purpose shall be in excess and in addition to any sum or sums authorized to be levied under and by virtue of the charter of the said city for general purposes.

This act is ordered to take immediate effect.

Approved February 25, 1901.

LOCAL ACTS, 1905.—No. 539.

AN ACT to authorize and enable the City of Ann Arbor to build, construct and install a garbage crematory or plant, to purchase land, machinery and appurtenances therefor and to raise the money for such purpose by tax or loan.

The People of the State of Michigan enact:

SEC. 1. The City of Ann Arbor is hereby authorized and empowered to build, construct and install a garbage crematory or plant, to purchase land, machinery and appurtenances therefor and to raise by tax or loan on the taxable property of the said city a sum of money not exceeding ten thousand dollars for such purpose.

SEC. 2. Whenever the common council shall propose to cause any such garbage crematory or plant to be built, constructed and installed they shall so declare by resolution, specifying the sum of money proposed to be expended for that purpose, to be passed

by at least a two-thirds vote of all the aldermen elect and shall cause such resolution to be entered in the record of their proceedings, whereupon the common council may, at the then or the next regular meeting, have power and authority to call a special meeting of the qualified electors of the city pursuant to the provisions of the charter, and shall submit to the said electors the question of raising the money for such purpose by loan or otherwise; and the common council may submit said question to said electors at any annual city or general election. The vote of said electors on such question shall be by ballot. The ballot shall be printed on white paper of equal length and width. The affirmative ballot shall have printed thereon the words, "For the garbage crematory or plant loan—Yes." The negative ballots shall have printed thereon the words, "For the garbage crematory or plant loan—No." The canvass of the vote and the determination of the result of such election shall be in accordance with the provisions of the city charter: *Provided*, however, That nothing in this act contained, or in the city charter, shall be construed to prevent the common council, in its discretion, to order the vote at such election, and the question submitted to be voted on and determined by the use of the Abbott voting machine. In the event of the use of the Abbott voting machine all "no choice" votes shall be disregarded and not counted.

SEC. 3. If the electors at the said election shall vote to authorize the building, construction and installation of such garbage crematory or plant, then the common council shall have power and authority to issue and dispose of the bonds of the City of Ann Arbor in a sum not exceeding ten thousand dollars for such purpose; the said bonds to be issued in such denominations and payable at such times and in such installments, not exceeding thirty years, and at a rate of interest not exceeding four per cent per an-

num, as the common council shall determine: *Provided*, That none of the said bonds shall be sold or disposed of for less than par value.

SEC. 4. After the sale and disposition of said bonds, or any part thereof, the common council shall have power and authority, and it shall be the duty of the common council to include in each annual tax bill or budget a sum of money sufficient to pay and discharge any sum either of interest or principal, which shall be due or become due on account of the said bonds during the year in which any such tax is raised; and all such sums of money so to be levied and assessed shall be in addition to and in excess of the money authorized by law to be levied and raised for all other city purposes.

This act is ordered to take immediate effect.

Approved May 10, 1905.

ORDINANCES

OF THE

CITY OF ANN ARBOR

STREETS.

An Ordinance Relative to the Use of Streets and Other Public Places.

(Passed Nov. 4, 1895; approved Nov. 5, 1895; amended June 5, 1899.)

*The Common Council of the City of Ann Arbor Or-
dain:*

SECTION 1. That whenever any sidewalk in any street, alley, or other public place of this city, shall be obstructed or encumbered by reason of any snow, ice, water, slush, mud, dirt, filth, rubbish, leaves, sand, brick, stones, mortar, lumber, building materials, coal, wood, boxes, barrels, crates, packages, posts, stands, show cases, advertising devices, storm doors, stairways, railings, signs, awnings, or any other thing, article or substance which may have fallen, formed, accumulated or been placed, dropped, delivered, erected or suspended upon or over the said sidewalk, it shall be the duty of the owner or occupant of the premises adjacent to and abutting upon the said sidewalk, and the said owner or occupant is hereby required, to remove the said encumbrance or obstruction, or cause the same to be removed, or effect such other disposal thereof as shall be hereinafter set forth; and the said

owner or occupant shall keep and maintain the said sidewalk free and clear of all encumbrances and obstructions and at all times safe and convenient for the use of the public except as hereinafter provided.

SEC. 2. That whenever any snow shall fall or drift on or across any sidewalk in any street or other public place of this city, the owner or occupant of the lot, building or other premises adjacent to or abutting upon said sidewalk, shall remove the said snow or cause the same to be removed within the periods of time herein limited, to-wit: Snow that has accumulated in or during the night time shall be removed by eight o'clock a. m. next morning; snow falling or drifting during the day shall be removed within two hours after the same shall have ceased to accumulate; and in case of a protracted snow or wind storm, the snow shall be cleared away from time to time during the day so that a convenient passage shall be kept and maintained open for travel, the said removals being effected as often as once in every four hours.

SEC. 3. That whenever any ice shall form on any sidewalk in any street or other public place in this city, the owner or occupant of the lot, building or other premises adjacent to and abutting upon the said sidewalk shall, if practicable, immediately remove the said ice, or cause the same to be removed; provided that when immediate removal is impracticable, the said owner or occupant shall immediately cause salt or sand to be strewn upon the said ice in such a manner and in such quantities as to prevent the said sidewalks from being slippery and dangerous to pedestrians using the same, and the said ice shall be removed at the earliest possible moment thereafter. The use of sawdust or ashes for and instead of the said salt or sand is hereby expressly prohibited.

SEC. 4. That whenever leaves accumulate upon any sidewalk in any street, or other public place of

this city, in sufficient quantities to impede or obstruct public travel across or along the said sidewalk, the owner or occupant of the premises adjacent to and abutting upon the said sidewalk shall remove the said leaves or cause the same to be removed; and it is hereby permitted that the said leaves may be gathered in small heaps along the side of the street, or upon the said premises, and burned; provided that nothing herein contained shall be construed to in any degree modify, repeal or amend the provisions of an ordinance of this city entitled "An Ordinance Relative to Fire Limits and Fires."

SEC. 5. It shall be the duty of the Board of Public Works to take cognizance of any violation of the provisions of this ordinance, relative to the removal of obstructions from streets, alleys and sidewalks. And whenever the said Board shall learn of any sidewalk in any street, alley or other public place in this city being obstructed or encumbered contrary to the regulations herein contained, the said Board shall immediately cause a written or printed notice to be served upon the person charged under this ordinance with the removal of the said obstruction or encumbrance. The said notice shall set forth the location of the sidewalk, the nature of the obstruction or encumbrance, and the premises by street and number or other sufficient designation, adjacent to and abutting upon the said sidewalk, and shall also prescribe the time after service within which the said sidewalk shall be cleared and made convenient for public travel, the said time in each case being fixed by the said Board: *Provided*, That one hour shall be the time fixed for the removal of snow, slush or ice, and that in no other case shall a longer period of time be allowed than twenty-four hours. The said notice may be served by handing a copy thereof to the owner or occupant of the premises therein designated, by leaving a copy

at his or her last place of residence, or by posting a copy in a conspicuous place upon the premises. The officer or servant of the said Board of Public Works, serving the said notice, shall indorse the day and hour of service, and the manner thereof, upon the said notice; and shall return a copy of the said notice to the office of the City Clerk with the said day, hour and manner of service duly certified thereon. In case the said sidewalk be not cleared within the time limited in the said notice, the said Board shall proceed forthwith to remove the said obstruction or incumbrance at the expense of this city, and a statement of such expense shall be filed in the office of the City Clerk along with the return copy of said notice. For the removal of snow the said Board are hereby permitted to pay not to exceed the following prices: From before premises having a frontage on the street of four rods or less, twenty five cents; from before premises having a greater frontage than four rods, twenty-five cents and five cents for each additional rod or fraction thereof above four rods. The owner or occupant of any lot, building or premises adjacent to or abutting upon any sidewalk that shall have been cleared of obstructions or encumbrances by the said Board of Public Works in the manner herein prescribed, shall be entitled to pay the said expenses of said clearance, with ten per cent. added thereto for collection, at the office of the City Clerk, who is hereby authorized to receive the same and to receipt therefor in the name of the city, at any time prior to the first Monday in June next succeeding the date of the notice served in the case. Upon said first Monday in June of each year the City Clerk shall certify to the City Assessor a list of all such charges remaining unpaid for the current year, and the City Assessor shall enter the said charges upon the tax roll of the proper district as a special assessment against the respective lots or parcels of land specified in said list, and the said

charges shall be added to the total of city taxes levied upon the said lots or parcels of land for the same year, and shall be a lien upon the same, according to the provisions of Section 132 of the Charter of this city. And such further proceedings shall be had as are further set forth and permitted by the said Section 132.

SEC. 6. No person, firm or corporation shall plow, shovel, brush or heap up any snow, ice, sand, gravel or other material, in or upon any street, alley or other public place of this city, into ridges or piles, except along the sides of the said street pending the immediate removal of the said material, unless the Board of Public Works shall have previously given formal permission therefor. In all cases when it becomes necessary that snow, ice, sand, gravel or other materials be shoveled, brushed, plowed or moved about in or upon any street, alley or other public place in this city, it shall be done in such a manner as to leave a smooth and level surface, and so that public travel shall not be impeded or obstructed thereby.

SEC. 7. Merchants and other persons doing business in permanent locations in this city that are adjacent to and abut upon sidewalks of a greater width than ten feet, are hereby permitted to use the inner portion of the sidewalk along the front, rear or side of the premises owned or occupied by them, for the purpose of displaying or advertising their goods, wares or merchandise, or for such other purposes as shall be hereinafter specified, but no stand, showcase, sign or other device, article or thing used or intended for said purpose shall be built, placed, set out or suspended on or over the said sidewalk so as to extend into the street or encroach upon the sidewalk for a greater distance than three feet, measured from the line of the street. And no balcony or balustrade shall be built or attached to any building so that any part of the

same or the supports thereto shall extend into the street a greater distance than three feet. And no stairway leading upwards from any sidewalk in any street or other public place of this city shall be built, placed or permitted to remain so as to encroach upon the width of the sidewalk for more than three feet measured from the line of the street. The said merchants and others occupying permanent business locations shall be permitted to construct openings in sidewalks along the front, rear or side of their said locations, of a greater width than ten feet, to admit of the delivery of fuel into basement areas under said sidewalks for the admission of light and air to such areas or to the basements of store buildings, or for a stairway leading down into said area or basement; *Provided*, That openings for the delivery of fuel, when made more than three feet from the inner line of the said sidewalk, shall be not greater than eighteen inches in diameter, [be] circular in form, and be effectually closed when not in actual use by an iron cover, set flush with the surface of the sidewalk, level therewith, and securely locked in place; all other openings shall be so constructed as not to encroach upon the width of the sidewalk for a distance of more than three feet, measured from the inner line of the sidewalk. Openings for stairways shall be protected by iron railings not less than three feet in height, with a gate to close the entrance to the stairs, which shall be kept closed at all hours of the day or night when the place of business connected therewith shall be closed, but all such stairways kept open at night shall be well lighted at the top. All other openings in sidewalks shall be closed and protected either by substantial iron gratings or illuminated pavement so placed as to be flush with the surface of the sidewalk, and level therewith. The said merchants and others shall further be permitted to set up and maintain storm doors upon the sidewalks of the width afore-

said, from November to March inclusive during the winter: *Provided*, That no storm door shall be placed so as to encroach upon the width of the sidewalk for more than three feet. The said merchants and others shall also be permitted to suspend movable awnings from the front of their respective places of business so that the said awnings when lowered extend out into the street for any convenient distance not to exceed six feet: *Provided*, That no such awning shall be so suspended that any part or attachment thereof shall ever be less than seven feet in a vertical line above the surface of the sidewalk. No person, firm or corporation shall be hereafter permitted to construct a permanent awning, portico, or covered approach to any building or place of business in this city, of wood, iron or any other material, that shall extend into the street for a greater distance than three feet.

SEC. 8. No person shall cause or permit any horse, cow, sheep, hog, mule, or other similar animal, or any cart, carriage, dray, hack, cutter, or other vehicle under his or her care or control, to go upon any sidewalk in any street, alley or other public place in this city, except for the purpose of leaving or entering yards or buildings at such places as are regularly intended for such purpose. No person shall permit any horse, cow, sheep, hog, mule, or other similar animal, or wagon, cart, dray, carriage, cutter, sled or other vehicle to halt or remain upon any sidewalk or crosswalk so as to obstruct or impede public travel thereon. Nor shall any person make use of any sidewalk in any street, alley or other public place in this city for skating, or for coasting with sleds, or for riding or going from place to place with bicycles or velocipedes: *Provided*, That nothing herein contained shall be construed to prevent the customary use of baby carriages upon sidewalks, and children under the age of six years are hereby especially excepted from the opera-

tion of the provision concerning bicycles and velocipedes.

SEC. 9. Any person owning or occupying any permanent business location adjacent to and abutting upon any sidewalk in any street, alley or other public place in this city, of a width not less than ten feet, is hereby permitted to construct and maintain an area or other excavation under the said sidewalk: *Provided*, That the said excavation shall not be of a greater width than the said sidewalk, shall not exceed twelve feet in depth and shall be inclosed by a good and sufficient stone wall so built as to firmly support the said sidewalk and to prevent any caving or settling of the street.

SEC. 10. No horse, cow, mule, goat, sheep, hog or other similar animal, either singly or in herds or droves shall be permitted to go at large in any street, alley or other public place in this city, by the owner or person having the care or control of said animal, or animals, nor to stand in any such public place without being securely hitched; nor shall any such animals be herded together or fed in any street or public place, nor shall any trough, feed-box or any other device for feeding such animals be set up in any of the public streets or places; nor shall any of said animals or any team or wagon or carriage, hack, dray, delivery wagon, cutter, sled, or other vehicle, be halted or permitted to stand so as to obstruct or impede public travel across or along any street, alley or other public place, unnecessarily; and the person having the care or control of any animal or animals, team or vehicle, shall always halt the same so as to impede or obstruct public travel as little as possible. No stallion, jackass, bull or other similar animal shall be exhibited in any street, alley or other public place in this city, nor kept within the limits of this city for the purpose of generation, except in an enclosed and

covered building, and in such a manner as not to cause a nuisance.

SEC. 11. No person shall, by means of a rope, pulley, tackle, windlass or other device, appliance or mechanism, cause any box, bale, cask, crate, building materials or any other thing, article or substance, to be raised or lowered between any store, loft, room, or building, and any street, alley or other public place of this city, unless by special permission of the Board of Public Works.

SEC. 12. No person shall permit or cause any stones, brick, sand, gravel, lumber, building materials, coal, wood, boxes, barrels, bundles, ice, paper, wire, glass, tacks, rubbish or any other thing, article or substance to be dropped, delivered, left, scattered, or piled up in any street, alley or other public place in this city, except in such quantities and in such a manner as may be permitted by the Board of Public Works for building purposes; and any person driving any delivery wagon, dray, cart, sled, or other vehicle shall be responsible for his load that no part thereof, or any article or substance hauled or conveyed by him, shall fall or remain in or be scattered about upon any street, alley or other public place of this city.

SEC. 13. No person, firm or corporation shall use or occupy any portion of any street, alley, lane or other public place of this city for building purposes, without previously obtaining a permit therefor from the Board of Public Works. To obtain said permit the said person, firm or corporation, shall file an application in writing with the said Board, setting forth the premises upon which the said building is to be performed, the extent of the work to be done, and the probable length of time that the street will need to be obstructed or encumbered, and if required by the said Board, the said applicant shall also file a bond in any sum, not to exceed two thousand dollars, as

shall be fixed by the said Board, with two or more resident sureties, conditioned that the said applicant shall faithfully observe all requirements of this city relative to the care and handling of building materials in the street, shall indemnify and save harmless the said city from any and all damages or actions at law that may arise or be brought on account of the presence of the said building materials in the street, and the said bond shall contain such further conditions as shall seem proper to the said Board and the City Attorney. And any person using or occupying any portion of any street, alley, lane or other public place of this city for building purposes shall restore and renew any pavement, crosswalk, sidewalk, curbing or street surface, disturbed, injured or destroyed by reason of said building, to a first-class condition satisfactory to the said Board of Public Works, within ten days after said building shall have been completed. The permit of the said Board of Public Works shall designate the amount of space to be occupied, and the length of time, and whether the sidewalk is to be obstructed, provided that no such permit shall allow more than half the width of the street to be obstructed or encumbered by the said building materials, and the said building materials shall be placed in the street within the limits prescribed by the said permit, and removed within the period of time therein specified, and when the said permit allows the sidewalk to be obstructed, the person obtaining the same shall cause a temporary sidewalk to be built and maintained around the space set forth to be occupied by the said materials, not less than three feet in width and safe and convenient for public travel, satisfactory to the said Board, but no such materials shall be so placed as to obstruct the free flow of surface water along the gutter of the street.

SEC. 14. No person, firm or corporation shall make any excavation in any street, alley or other pub-

lic place of this city, or tear up, remove or encumber any sidewalk, crosswalk, curbing, pavement or street surface therein, without first obtaining a permit therefor from the Board of Public Works. To obtain the said permit the said person, firm or corporation shall submit an application in writing to the said Board, which shall fully set forth the extent, nature, purpose and location of the proposed operations in the street; and if so required by the said Board the said applicant shall also file a bond with two or more sufficient sureties, in a reasonable sum not to exceed ten thousand dollars to be fixed by the said Board, conditioned that the said applicant will obey all rules and regulations of this city relative to the protection of excavations and piles of materials in the street, will protect and save harmless the said city from all damages or actions at law, that may arise or be brought on account of the presence of the said excavations or piles of materials in the said streets, or on account of any negligence in the protection or handling of the same, and that the said applicant will prosecute the proposed work with due diligence, and will promptly restore all sidewalks, crosswalks, curbing, pavement or street surface removed, injured or encumbered, to a perfect condition, satisfactory to the said Board of Public Works; and the said bond shall contain such other conditions as shall seem proper to the said Board or the City Attorney. The permit shall prescribe the time within which the work described in the said application shall be completed, and the length of time thereafter within which the streets and sidewalks shall be restored to perfect condition, and shall contain such other requirements as shall seem appropriate in the case to the said Board; and the said applicant shall complete the said work and affect the restoration of the streets and sidewalks within the time limited in the said permit; and shall obey all other requirements of the said Board of Public Works, and all rules and regula-

tions of this city relative to the protection of excavations and piles of materials in the streets, and relative to the restoration of sidewalks, crosswalks, curbing, pavement or street surface torn up, injured or encumbered in said city. And any person, firm or corporation disturbing, removing, injuring or encumbering any sidewalk, crosswalk, curbing, pavement or street surface in this city shall promptly restore the same to a perfect condition satisfactory to the Board of Public Works. The Ann Arbor Gas Co. and the Ann Arbor Water Co. are hereby especially permitted to make excavations in the street for the stoppage of leaks in their mains, under the directions of the Street Commissioner.

SEC. 15. No person, firm or corporation shall move, transport or convey any building, car or other similar bulky or heavy object into, across or along any street, alley or other public place of this city, without previously obtaining a permit from the Board of Public Works therefor. To obtain the said permit the said person, firm or corporation shall submit an application in writing to the said Board, in which shall be set forth the thing to be moved, the place from which it is to be removed, and the place to which it is to be taken, and the means to be used for its transportation; and the said applicant shall also if so required by the said Board, file a bond in a sum to be fixed by the said Board, said sum not to exceed one thousand dollars, with such conditions as the said Board or City Attorney shall deem proper in the premises, to protect the said city from any damages or actions at law that might arise or be brought on account of any negligence on the part of the said person, firm or corporation, in conducting the said removal, and to compel the restoration of any sidewalk, crosswalk, curbing, pavement or street surface disturbed, injured, removed, or encumbered in said process of removal to a

perfect condition, satisfactory to the said Board. The permit of the said Board of Public Works shall designate the route to be followed through the streets of this city, and the time within which the said removal shall be effected and any necessary repairs upon the streets in consequence thereof completed. The said person, firm or corporation shall remove the said building or other bulky or heavy object, by the route designated by the said Board, within the time limited in said permit, and in such a manner as to cause the least possible obstruction to public travel. No such building or other similar bulky or heavy object shall be halted for the night so as to obstruct any sidewalk or crosswalk, or in the intersection of streets, and any sidewalk, crosswalk, curbing, pavement or street surface disturbed, encumbered, or injured in the course of the said removal shall be promptly restored to a perfect condition, satisfactory to the said Board of Public Works by the said person, firm or corporation.

SEC. 16. Whenever any excavation, pile of dirt, rubbish, or building material, any building or other bulky or heavy object, or any other thing, article or substance in such position, condition or quantity as to obstruct or be dangerous to public travel, shall be permitted to be and remain in any street, alley, lane or other public place in this city during the whole or any part of the night time between the hours of sunset or sunrise, the person or persons causing the said obstruction, or having the care or control thereof, shall cause the same to be protected by suitable barriers, satisfactory to the Board of Public Works, and shall place a suitable number of red lights on or about the said obstruction and barriers to indicate its and their location and extent. And whenever public travel along or across any street or sidewalk of this city, is obstructed or prevented by reason of any work being in progress for the construction, repair

or renewal of any sidewalk, crosswalk, curbing, pavement, or street surface, suitable barriers and lights satisfactory to the Board of Public Works shall be maintained at and about the said place of obstruction, by the person having charge of the said work, between the hours of sunset and sunrise during the night. And when any street shall be wholly obstructed at any point, barriers and lights shall be set up and maintained at night at the nearest adjacent crosswalks thereto, upon each side of the said obstruction.

SEC. 17. No person shall ride or drive any horse, carriage, sleigh or other vehicle in or through any street or avenue of this city at a rate of speed faster than six miles an hour: *Provided*, That the Common Council may by resolution designate a street within the limits of this city to be used as a place for the speeding of horses in winter.

SEC. 18.* On all residence streets, lawn extensions may be made which shall, however, not interfere with the width of roadways as follows:

In all streets of the width of three rods the roadway shall be twenty-five feet wide extending twelve and one-half feet on either side of the center line of the said street.

In all streets the width of four rods, the roadway shall be left thirty-four feet wide, extending seventeen feet on either side of the center line thereof; and all other streets the width of the roadway and of the lawn extension shall be regulated by special resolution in each case: *Provided*, That upon streets wherein street car tracks have been laid, the width of the road shall be made five feet greater than hereinbefore prescribed, the said roadway to be evenly divided by the center line of the street.

The Board of Public Works shall prescribe the width and mode of construction; *Provided further*,

* As amended June 9, 1899.

That the Common Council may change the width of the roadway of any street wherever said street shall be paved.

SEC. 19. The owner or occupant of any business or residence property in this city is hereby permitted to place, set or erect, on the outer sidewalk line in the business part of the city, and on the curbline in the residence portion thereof, hitching-posts of stone, wood or iron. Said posts may be made to extend upwards to an elevation not to exceed twelve feet, and to support a small sign or advertising device, provided that the said sign or device shall not extend more than two feet on either side of the said post, and shall not be less than eight feet above the surface of the sidewalk. Permanent wooden signs extending across the whole width of the sidewalk, whether supported or not at the outer end, shall not hereafter be erected in this city; but the Mayor is hereby authorized to grant special permission for cloth signs to be swung for short periods of time not to exceed ten days in any month, at an elevation not less than twenty feet above the surface of the street, between store buildings on opposite sides of the street.

SEC. 20. Any person owning or occupying land adjoining any street not less than three rods wide, may plant or set out trees along the side of said street contiguous to his land, in regular rows, not more than twenty feet distant from each other and not more than ten feet from the property line of said street. No person shall hitch any horse, mule or other animal to any fruit, ornamental, shade, or other tree, growing or standing in any street, alley or public place in said city; and no person shall, unless specially authorized by the Board of Public Works, cut down or dig up any tree growing or standing in any street, alley or public place in said city, or remove or carry away any earth, loam, gravel, sand or sod from any street,

alley or public place without permission from said Board of Public Works.

SEC. 21. Any cellar or other excavation left uncovered by the burning or removal of the buildings therefrom, abutting upon and close to the line of the street, shall be surrounded, by the owner or occupant of the premises with a sufficient fence or barrier to prevent accidents.

SEC. 22. No person or persons shall play any game of nine or ten pins, ball, wicket or other such game, or throw about or bat any base ball, or throw or kick any foot ball, or fly any kite, in or about any street, alley or other public place of this city.

SEC. 23. The Mayor is hereby authorized to order any procession or parade about to be undertaken or conducted in or through any street, or streets of this city, to be abandoned or to adopt a different route, whenever he shall in his discretion deem it desirable so to do. And no circus or theater troupe, or show or menagerie of any kind, shall parade in or about the streets of this city without first submitting their proposed line of march to the Mayor, who shall change, amend or confirm the same, or order that the said parade do not proceed, as he in his discretion shall believe right and proper.

SEC. 24. No person for himself or another, shall post any bills, notices, or advertisements of any kind on any tree, tree-box or hitching post, or on any telegraph, telephone, electric light or any other pole, or on any sidewalk, crosswalk or bridge, or in any park or public grounds, or in or about the court house square in this city; nor shall any handbills, dodgers, or other forms of advertisements be distributed or thrown about in the streets, lanes, alleys or other public places: *Provided*, That nothing herein contained shall be construed to apply to legal notices, or to notices prescribed in the statutes of the State of

Michigan, or in the Charter and ordinances of this city.

SEC. 25. It shall be the duty of the City Attorney, or other legal adviser of the city, to insert in all contracts for paving or for constructing sewers, drains or reservoirs, or for doing any work whatever whereby accidents or injuries may occur in consequence of any neglect or carelessness on the part of the contractor, a covenant requiring the contractor to place and maintain the barriers and lights provided for in Section 16 of this ordinance for the prevention of accidents, and to keep and save the city harmless and indemnified against all loss and damage which may be occasioned by reason of any negligence or carelessness in the manner of doing the work. In all cases where any person or persons shall perform any work, either under contracts with the city, or by virtue of any permission of the Common Council, or of any department or officer of the city, such person shall be liable to the city of Ann Arbor for any loss or damage which said city may sustain, and for all sums which it may have to pay to any person or persons, by reason of any loss or injury sustained in consequence of any carelessness or negligence in doing the work, or by reason of any neglect or failure to comply with the provisions of this ordinance, or other ordinances of this city.

SEC. 26. Any person violating any of the provisions of this ordinance shall, on conviction thereof, be punished by a fine not exceeding fifty dollars and costs; and in the imposition of any such fine and costs the court may make the further sentence that the offender be imprisoned in the common jail of the County of Washtenaw, or the city lockup, until the payment thereof, provided the term of such imprisonment shall not exceed the period of thirty days.

This ordinance shall take effect and be in force on and after ten days from legal publication.

An Ordinance Establishing an Official Datum for All Levels in the City of Ann Arbor.

(Passed November 5, 1888.)

Be it Ordained by the Mayor, Recorder and Aldermen Of the City of Ann Arbor:

SECTION 1. That for the purpose of making and taking all levels for the establishment of grades of streets, roads, highways, lanes, alleys, sidewalks, gutters, crosswalks and all other grades in the City of Ann Arbor, an official datum is hereby established; and the elevation of mean tide at New York City is hereby declared to be the official datum of the City of Ann Arbor, and which elevation is 611.10 feet below the general city datum now in use which was adopted Sept. 23d, 1873, and perpetuated by action of the Common Council of said city, November 27th, 1876, and at the last named date referred to the tops of four stone posts now standing at the four corners of the court house square; and the elevations on the tops of said stone posts directly over the letter "D" cut in each, above the said general city datum, being given in the record of said council proceedings of said last mentioned date, are as follows:

223.32 feet at the southwest cor. court house square;
225.60 feet at the southeast cor. court house square;
221.66 feet at the northeast cor. court house square;
220.99 feet at the northwest cor. court house square.
That the corresponding elevations of the same points as determined by J. B. Davis, city engineer, October 27th, 1881, are as follows:

223.32 feet at the southwest cor. court house square;
225.61 feet at the southeast cor. court house square;
221.67 feet at the northeast cor. court house square;
221.39 feet at the northwest cor. court house square.

That the corresponding elevations of the same points at this time above mean tide New York City are hereby determined and established as follows:

- 834.42 feet at the southwest cor. court house square;
- 836.71 feet at the southeast cor. court house square;
- 832.77 feet at the northeast cor. court house square;
- 832.49 feet at the northwest cor. court house square.

That the following are the determined and established elevations above mean tide New York City, in feet, of the following named places in the City of Ann Arbor:

877.93 top of water table southeast corner south wing University Hall building.

826.78 top of water table northeast corner brick building 51 West Huron street, now used as a private hospital.

876.65 top of water table southwest corner brick dwelling of Mr. Cornwell, at the head of Lawrence street and on the east side of North Ingalls street.

845.75 top of water table northeast corner of St. Thomas Church.

776.96 top of east end of west door sill on south end old brick block, northwest corner Broadway and Mill street, Fifth ward.

SEC. 2. This ordinance shall take effect from and after its passage.

An Ordinance Relative to Naming Streets.

(Passed March 17, 1890.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. That the name of the highway heretofore known as the Plank Road, running north from the crossing of the Toledo, Ann Arbor & Northern Michigan R. R. bridge with North Main street to the

city limits, shall hereafter be known and designated as North Main street.

SEC. 2. That the names of the streets heretofore known as West Seventh street, Jewett avenue and Mann street, are hereby changed, and such streets shall hereafter be known as Seventh street.

SEC. 3. That the name of the street heretofore known as Orleans street be and the same is hereby changed, and such street shall hereafter be known as South University avenue.

SEC. 4. That the name of the street heretofore known as Pontiac street, running from Main street northeast to the river bridge, be and the same is hereby changed, and such street shall hereafter be known and designated as Beakes street.

SEC. 5. That the name of the street heretofore known as Mill street, running from Broadway west to Washtenaw street, be and the same is hereby changed, and such street shall hereafter be known and designated as Swift street.

SEC. 6. That the name of the street heretofore known as Second street, running from Felch street south to Madison street, be and the same is hereby changed, and such street shall hereafter be known and designated as Ashley street.

SEC. 7. That the street and highway running from Charles street north to Chubb Road, shall hereafter be designated and known as Wildt street.

SEC. 8. That the highway heretofore known as Chubb Road, shall hereafter be designated and known as Chubb street.

SEC. 9. That the name of the street heretofore known and designated as Fourth street is hereby changed, and said street shall hereafter be known and designated as Fourth avenue.

SEC. 10. That the name of the street heretofore

known and designated as Fifth street is hereby changed, and said street shall hereafter be known and designated as Fifth avenue.

SEC. 11. That the name of the street heretofore known as Brown street, in the Fifth ward, is hereby changed, and shall hereafter be known as Moore street.

SEC. 12. That the name of the street heretofore known as Washtenaw street is hereby changed, and shall hereafter be known as Wright street.

SEC. 13. That the name of the street heretofore known as Elm street, in the First ward, is hereby changed, and shall hereafter be known and designated as Lincoln street.

SEC. 14. That the name of the street heretofore known as Bowery street is hereby changed, and shall hereafter be known as Lawrence street.

SEC. 15. That the name of the street heretofore known as Cemetery street is hereby changed, and shall hereafter be known as Geddes avenue.

SEC. 16. That the name of the street heretofore known as Liberty street, in the Sixth ward, is hereby changed, and shall hereafter be known as Belser street.

SEC. 17. That the name of the street heretofore known as High street, running from Main street west to Gott's addition, is hereby changed and shall hereafter be known as Summit street.

SEC. 18.* That the name of the streets, lying northeasterly from Washtenaw avenue and connected with Hill street, as now located, and heretofore called Spring street and Myrtle street, be and the same is hereby changed, and shall hereafter be named, known and called Hill street, and considered as a

* As amended March 6, 1900.

continuation of Hill street, as now laid out and established.

SEC. 19.* That the name of the street heretofore known as Wood street, running from Hill street to Oakland avenue, be and the same is hereby changed, and the said street shall hereafter be known and designated as Church street.

SEC. 20.* That the name of the street heretofore known as 13th street, running from Fuller street to Huron street, be and the same is hereby changed and the said street shall hereafter be known and designated as Glen avenue.

This ordinance shall take effect from and after legal publication.

An Ordinance Relative to Railroad Crossings and Speed of Railroad Trains.

(Passed March 2, 1896; approved March 4, 1896.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. No railroad company owning or operating any railroad running into or through said city, nor engineer, conductor, fireman, yardmaster or other agent, servant or employee of any such company, shall permit or cause any locomotive or other engine, car or cars, train of cars, or portion of a train of cars, or any machinery, apparatus or appliances belonging to, used by or in the care of the said railroad company or agent or servant, to halt, stand or continue in motion in, upon or across any street, alley or other public place of said city, so as to impede or obstruct public travel therein, for a longer period than five minutes at any one time.

* Sections 19 and 20 were originally passed as separate ordinances on January 6, 1902 and March 3, 1902.

SEC. 2. Whenever the common council shall by resolution referring to this ordinance, declare that public safety requires a flagman to be stationed at any railroad crossing in this city, or that any railroad crossing needs to be lighted at night, the railroad company owning or operating the railroad making the said crossing shall, within thirty days thereafter, place a flagman at the place so designated, or shall establish suitable means for lighting the same, and shall keep and maintain said flagman or light during such hours of the day or night as shall be required in the said resolution. The city clerk shall promptly mail a copy of any such resolution to the principal office in this state of the railroad company named therein, and shall also notify the local agent of said railroad company; and each and every day after the expiration of the said thirty days that the said crossing remains unprotected shall be regarded as constituting a separate and distinct violation of the provisions of this ordinance.

SEC. 3. No locomotive-engine, train of cars, or portion of a train of cars, shall be run forward or backward within the limits of this city, at a rate of speed greater than six miles an hour, while said engine or cars are within 500 feet of any grade crossing of any street or alley of this city and approaching the same; and the bell of any locomotive shall be rung constantly while the said locomotive is in motion within the limits of this city; but shall not be rung while said locomotive is standing. And no locomotive whistle shall be sounded within the limits of this city; except that all south bound trains on the Ann Arbor railroad shall whistle at all street crossings north of the Huron River.

SEC. 4. Any railroad company, or engineer, conductor, fireman, yardmaster, or other agent or employee, owning or having in charge any locomotive-

engine, car or cars, train of cars or portion of a train of cars, who shall violate any of the above provisions or neglect any of the requirements of this ordinance, shall on conviction thereof, be punished by a fine of not less than five dollars or not to exceed with costs the sum of fifty dollars.

This ordinance shall take effect and be in force on and after ten days from legal publication.

An Ordinance Relative to Numbering of Dwelling Houses and Business Places in the City of Ann Arbor.

(Passed May 17, 1897; approved May 25, 1897.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. All dwelling houses and business places now in the city of Ann Arbor, or which may hereafter be erected, shall be numbered in the manner prescribed in this ordinance.

SEC. 2. The numbering of such houses and places shall be in accordance with the following system and plan, known as the Philadelphia, or Hundred Plan, whereby each block is given a number of one hundred more than the block next preceding.

SEC. 3. For the purpose of such numbering, the city of Ann Arbor shall be divided north and south by Huron street, and east and west by Main street.

SEC. 4. All vacant lots, or unplatted land, shall be assigned numbers in accordance with the general plan herein provided for.

SEC. 5. For the purpose of numbering, each 22 feet of frontage shall be considered a lot, and assigned a number, and whenever the occupancy is not in harmony therewith, the occupancy shall be assigned the number of the lot, the greater portion of which

is included in such occupancy. *Provided*, That whenever a portion of a lot is occupied separately, it shall be numbered the same as the last preceding number with the fraction one-half added.

SEC. 6. The numbering of all streets running in a northerly or southerly direction from Huron street shall begin at Huron street to number, and in case such street does not cross or commence at Huron street, the numbering shall commence at the terminal point of such street nearest Huron street, but with a number which shall correspond with the numbering of streets which cross or commence at Huron street.

SEC. 7. The numbering of all streets running in an easterly or westerly direction from Main street, shall begin at Main street to number; and in case such street does not cross or commence at Main street, the numbering shall commence at the terminal point of such street nearest Main street, but with a number which shall correspond with the numbering of streets which cross or commence at Main street.

SEC. 8. In all cases where streets are considered in the general plan of numbering and do not intersect or enter streets where the numbering of the block should change; the frontage of the center lines of such non-intersecting streets extended shall be considered as streets for the purpose of numbering under this ordinance, except that in case a center line so extended shall run on or near the line of an alley or other street when such alley or other street shall be considered such center line.

SEC. 9. Commencing at the initial points at Main street and Huron street, the first 22 feet frontage on the right shall be 100, the 22 feet frontage opposite shall be 101, and so on through the first block.

The second block shall be numbered in the same manner as the first, except that another 100 shall be added to each number therein, the same being known

as the 200 block; the third block to be numbered in the same manner as the second, except that another one hundred shall be added to each number therein, the same being known as the 300 block; and so on, adding one hundred for each additional block from the dividing street, as the numbering progresses.

SEC. 10. The numbers herein provided for shall be securely fastened or inscribed in a conspicuous place in front of or over the entrance of each building entitled under this ordinance to such numbering, and all numbers furnished by the city must be of the same uniform pattern and not less than two inches in length.

SEC. 11. The word street, or streets, as used in this ordinance shall be considered to embrace both streets and avenues.

SEC. 12. The original numbering of the city according to the provisions of this ordinance shall be done between the first day of July, 1897, and the first day of September following.

The work of such original renumbering shall be done by the engineering department, and the general plan shall be under the supervision of the city clerk.

SEC. 13. The city of Ann Arbor shall, at its own expense, procure and fasten up suitable figures so as to complete the numbering of buildings in the city in accordance with the provisions of this ordinance, and for that purpose its agents or employes therefor may go upon the premises of all persons without let or hinderance: *Provided*, That all citizens desiring to do so may procure and fasten up, or inscribe such number at their own expense, but the same must be done under the general plan herein provided, and under the direction and to the satisfaction of the city clerk.

SEC. 14. Whenever any building, or occupancy, or premises, shall have been so numbered as herein

provided, and shall hereafter be without a number, or shall have the wrong number affixed or inscribed thereon, or whenever any new building shall be built, or new occupancy commenced in the city, which under the provisions of this ordinance requires a number, it shall be the duty of the owner or occupant thereof to procure and affix, or inscribe the proper number thereon at his own expense.

SEC. 15. Whenever the common council of said city shall direct any person to number or renumber any building, occupancy or premises, under the provisions of this ordinance, the city clerk shall notify the owner or occupant to that effect in writing, and should such owner or occupant refuse so to do for ten days after service of such notice, he shall be deemed to have violated this ordinance, and each ten days such person shall refuse or neglect so to do after notice as aforesaid, it shall be deemed a new violation thereof, and he may be prosecuted separately, and the fines and penalties hereinafter provided imposed for each such violation.

SEC. 16. Any person injuring, defacing or removing the numbers or any portion thereof, on any building, or occupancy, or premises, required by the provisions of this ordinance, whether he be the owner or occupant of said building, occupancy or premises on which the same is placed or not, shall be deemed to have violated this ordinance.

SEC. 17. Any person who shall hinder, interfere with, obstruct or prevent the city of Ann Arbor, its agents, or employes, from putting up, affixing or inscribing any number or numbers required by this ordinance shall be deemed to have violated the same.

SEC. 18. Any violation of this ordinance shall be punished by a fine not exceeding thirty dollars and costs of prosecution, or by imprisonment in the county jail, or lockup of said city, not exceeding thirty

days or by both fine and imprisonment in the discretion of the court; and in case a fine is imposed without imprisonment, the court may make a further sentence that the offender be imprisoned in the county jail of Washtenaw county, or any jail or lockup of said city until such fine and costs are paid: *Provided*, Such imprisonment shall not exceed thirty days.

SEC. 19. All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed.

This ordinance shall take effect and be in force from and after ten days from legal publication.

An Ordinance Relative to Street Sprinkling and Providing a Method of Raising by Taxation the Money to Pay and Defray the Costs and Expenses Thereof.

(Passed July 17, 1899; approved August 4, 1899.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. There shall be and hereby is established a system and method of sprinkling the streets of the city of Ann Arbor, and it shall be the duty of any and every person, firm or corporation, who shall obtain a contract for street sprinkling under the provisions of this ordinance, and as well all sub-contractors, to well, and at all times sufficiently, wet down and sprinkle from curb line to curb line any and all streets or parts of streets mentioned in any such contract so that the dust in and on any such street or streets shall be at all times sufficiently laid.

SEC. 2. That whenever the common council shall or may deem it necessary that any particular street, streets or parts of streets within the limits of the city

of Ann Arbor, should be wet down or sprinkled to the end that the health and comfort of the people may be thereby conserved, the said common council shall so declare by resolution and shall fix and determine the street or streets to be wet down and sprinkled, and shall in the same resolution fix and determine the district or part of the city benefitted thereby, and which shall be assessed and taxed to pay, defray and discharge the cost and expense thereof.

SEC. 3. That after any such sprinkling and taxing district shall be fixed and determined by the common council, and whenever the common council shall be requested in writing by way of petition by a majority of the foot frontage owners of the taxable lands in any such sprinkling and taxing district, it shall be the duty of the common council to direct the [board of] public works to advertise for tenders and let by contract to the lowest responsible bidder, the work of sprinkling any such streets, and all of the streets in any such street sprinkling district, the contractor to furnish and provide all of the work, labor, teams, tools, implements and material needful or necessary to carry on and conduct the said work of street sprinkling, in a good and workmanlike manner, the contractor to execute a contract for such work and to secure the faithful performance of the same by a bond with sufficient surety, or sureties, all such contracts, bonds and the sureties thereof to be approved by the board of public works.

SEC. 4. That after any such contract shall have been let and approved by the board of public works, they shall forthwith report the same to the common council, whereupon the common council shall without delay certify the resolution fixing the boundaries of any such street sprinkling district, and also the amount or sum of money required to be raised by taxation to defray the costs and expenses of such street sprinkling, to the city assessor, and the city

assessor shall thereupon, without delay, proceed to make a special assessment roll wherein and whereon the city assessor shall set down, alphabetically arrange the names of all the owners or occupants of the land and premises in and within any such street sprinkling district, and all and singular all of the lands, tenements and premises situate therein, well and sufficiently described and in a column thereof the cash value of all such lands, tenements and property, and in another column on the said special assessment roll the sum of money or amount which the said city assessor shall deem the particular description of lands, tenements or premises benefitted by any such street sprinkling and in another column thereof and thereon, the city assessor shall set down and assess on and against the owner or occupant, and against the lands, tenements and premises, according to the benefits so fixed and determined, the sum or amount of money so required to be raised by taxation for such street sprinkling purpose. And when any such special assessment roll shall be completed, the city assessor shall add thereto his certificate and report the same to the common council.

SEC. 5. Upon the receipt of any such special assessment roll certified by the city assessor, the common council shall, without delay, fix and appoint a time when the common council sitting as a board of review will meet to consider and review the same, notice of which meeting shall be given by publication in at least one newspaper printed and published in the city of Ann Arbor; on the day so fixed and at the time so appointed, the common council shall meet at the council chambers and proceed to review the said special assessment roll, at which time and place any person interested shall be at liberty to appear in person or by attorney, and shall be heard on the question of such assessment, and the board of review shall have power and authority whether applied to

for that purpose or otherwise, to raise or lower the valuation of any parcel of land, to increase or decrease the estimated benefits thereto, and to change the assessment against the same in accordance with any such change of estimated benefits, to alter, change and rectify any particular description of lands mentioned therein, and to do and perform all other acts or things to the end that the said special assessment roll and the taxes spread, or to be spread, thereon, shall be made just, fair and equal; that after the review of any such special assessment roll shall be completed the Board of Review shall order the same, together with its doings in the premises, to be reported to the common council, that at the next meeting of the common council, the said special assessment roll with the doings of the Board of Review having been reported, the question shall be, "Shall the special assessment roll be confirmed," and if the said question shall be decided in the affirmative, the common council shall then cause the city clerk to certify the said special assessment roll together with the resolution of confirmation and assessment to the city assessor.

SEC. 6. Upon the receipt and certification of any such special assessment roll, the city assessor shall attach his warrant thereto directed to the city treasurer, commanding him to collect from each and every person named in and assessed on the said special assessment roll, the sum of money assessed to and set opposite his, her, or their name thereon, and in case any person named in the said special assessment roll shall neglect or refuse to pay his, her or their tax or assessment on demand, then to levy and collect the same by distress and sale of the goods and chattels of any such person, and that he do return such special assessment roll and warrant with his doings thereon written, sixty days from and after the date of any such warrant.

SEC. 7. That within ten days after the return of

any such warrant and after the expiration of time named for the collection of any such taxes, the city treasurer shall make and return a list of all such unpaid taxes, together with a full and complete description of the lands and tenements against which the same were levied and assessed, to the common council, and on the third Monday of October in each and every year, the common council shall direct the city assessor to carry into and spread upon the next assessment roll of the City of Ann Arbor, for state, county and school purposes all such delinquent taxes so returned with the penalty of ten cents on each dollar of the sum total of taxes assessed to each particular description of land and which special assessment, together with the penalty, shall be carried out opposite of each of the said descriptions of land in a column on such general tax roll provided for that purpose.

SEC. 8. The cost and expense of sprinkling the streets which intersect or cross any of the streets in any such street sprinkling district shall be a charge upon the street fund and sum of money proportionately equal to the contract price which the width of the street intersecting or crossing the streets in any such street sprinkling district, bears to the whole of the taxable foot frontage of any such street sprinkling district, shall be deducted from the contract sum or price, and the remainder only shall be charged against, spread and assessed upon the taxable lands, tenements and premises in any such street sprinkling district.

SEC. 9. It shall be the duty of the board of public works to advertise for tenders for such street sprinkling in each of the said districts for the coming year and from year to year, until otherwise ordered by the common council. Bids may be delivered sealed, at the office of the city clerk, at any time until the hour of four o'clock in the afternoon of the fourth Monday of April, and the board of public works shall contract

with the lowest responsible bidder, and after any such contract shall be concluded, after the first contract, the Board of Public Works shall report and certify the contract price of sprinkling any such district, to the city assessor. The city assessor on receipt of any such report shall proceed forthwith to make or cause to be made, a duplicate special assessment roll for any such sprinkling district for the year in which any such report shall be made, and if any of the lands or premises in any such district shall or may have been transferred or divided, the city assessor shall enter the name of any such purchaser or occupant on the new assessment roll, and shall divide the amount of the assessment on the whole parcel on the former roll, and distribute and assess the same among the parcels into which the said lands and premises may have been divided according to the surface area thereof. And when any such duplicate assessment roll shall be completed the city assessor shall attach his warrant thereto, directed to the city treasurer, and the city treasurer shall proceed to collect the sum and sums of money spread and assessed thereon according to the command of the said warrant, and make return thereof, and the same proceeding shall be had thereon in every respect as is herein provided for the collection, payment and return of the taxes levied and assessed on the original of the said special assessment roll, warrant and return of delinquent taxes assessed thereon.

SEC. 10. If any contractor or sub-contractor shall fail faithfully to carry on and perform his said contract the Board of Public Works shall have power and authority, not only conclusively to determine the question of non-performance, but also to annul any such contract and to re-let the work of street sprinkling provided for therein. If the said contractor or sub-contractor shall not have performed more than ten per cent of the work, or earned more than

ten per cent of the contract price, at the date of any such annulment, all the work and labor done and moneys earned shall be forfeited to the City of Ann Arbor, that if a greater sum than twenty-five per cent. of such work shall have been performed and money shall have been earned, then and in that event twenty-five per cent. thereof shall be forfeited to the City of Ann Arbor as and for stipulated damages for the non-performance of any such contract.

SEC. 11. Notice of the meeting of the board of review provided for in this ordinance shall be given by publication in the official newspaper of this city, and one insertion and publication thereof shall be deemed sufficient, and all persons are hereby required to appear before the Board of Review if interested in the proceedings.

SEC. 12. All lands, tenements, and premises belonging to the state, county, city or school district shall be exempt from taxation under this ordinance, and in determining the foot frontage of any such street sprinkling or special assessment district, the same shall not be counted or considered, but all other lands and real estate shall be taxable without reference to the use or purpose to which the same shall or may be devoted.

This ordinance shall take effect and be in force on and after the expiration of ten days from the date of legal publication.

**An Ordinance Providing for the Permanent Removal of
Telephone Poles and Wires Within a Certain Dis-
trict, and for the Laying of Underground
Conduits and Placing Wires Therein.**

(Passed July 17, 1899; approved July 19, 1899.)

*The Common Council of the City of Ann Arbor Or-
dain :*

SECTION 1. That on and after July 18th, 1899, it shall be unlawful for any person, persons, company or corporation, to erect or maintain poles and wires for telephone purposes in the City of Ann Arbor, within the district area herein described, to-wit :

On Washington street, between Ashley street and Fifth avenue, and on and after said date any person, persons, company or corporation owning, controlling, operating or maintaining such poles and wires in said city shall cause said poles and wires within said district to be taken down and permanently removed therefrom, and permission and authority is hereby granted to all persons, companies or corporations, who have and maintain within the said district telephone poles and wires, to place and put their said telephone wires in a conduit under ground.

Provided, That this section shall not be construed to prevent the erection and maintenance of the necessary poles within the alleys adjacent to said district for the distribution of wires from the underground conduits to reach the subscribers of such person, persons, company or corporation, and

Provided further, That said distributing poles shall be set in the said alleys in any and all cases in such manner as to not unreasonably obstruct or interfere with the other proper use of the said alleys.

SEC. 2. In case of failure on the part of any person, persons, company or corporation so owning, controlling, operating and maintaining such poles and

wires, to take down and remove the same within the time above limited, the Board of Public Works, or other proper agent of the city, shall have power, and it shall be their duty, under the direction of the legislative authority of the city, to take down and remove said poles and wires.

SEC. 3. The said person, persons, company or corporation shall do no injury to any street, avenue, alley, land, park or public square, nor in any manner disturb or interfere with any water or gas pipes, nor with any public or private sewer, now or hereafter laid or constructed by any authorized person or corporation, and shall fully indemnify and save harmless the City of Ann Arbor from any and all claims or damages for which said city might be made or become liable to pay by reason of the construction, making or operating of said pipes, mains or conductors.

SEC. 4. The main pipes or conduits of said person, persons, company or corporation, shall be laid in streets and avenues in a line parallel with the curb line thereof, and in all cases to a depth of not less than two feet.

At least twenty-four hours before opening any street, alley, or public place, the said person, persons, company or corporation shall notify the Board of Public Works in writing of such intention, stating the place where and the object for which, said opening is to be made; and in the opening and refilling of all the openings made as aforesaid, the relaying of pavements and all other work necessary to the complete restoration of the streets, pavements, sidewalks, or ground, to an equally good condition as when disturbed, the said person, persons, company, or corporation, or its servants or employees, shall be under the supervision of the Board of Public Works, or its authorized agent, or of the common council, in reference thereto.

Nor shall any street, avenue, or public place be allowed to remain open or incumbered for a longer period than shall be necessary to execute the work for which the same has been opened; and the Board of Public Works, or the common council, may determine the question of such necessity.

It is especially provided, that in all cases where work requires the exercise of skill, as in the laying or relaying of pavements or sidewalks, the said person, persons, company or corporation, shall employ none but skilled workmen, familiar with the execution of such work.

It shall be optional with the city authorities to restore the earth and relay the pavements in streets and other public places, when so taken up by said person, persons, company or corporation; but the expense of such work shall not exceed the actual cost thereof.

SEC. 5. The expense of the city, or of the Board of Public Works, in the employment of an agent to carry out the provisions of this ordinance, shall be a proper charge against said person, persons, company or corporation, and such expense shall be paid by said person, persons, company or corporation on a voucher or bill duly certified by said board.

SEC. 6. Said person, persons, company or corporation shall at all times be subject to the city ordinances now in existence, or which may hereafter be passed relative to the use of the public streets or other public places, especially as to the putting up of lights and barriers at and around excavations.

SEC. 7. That any person, firm or corporation having and maintaining within the corporate limits of the City of Ann Arbor any telephone exchange shall at all times furnish to the city, free of charge, at least ten telephones with all necessary and proper service for the use of the public offices of the city, and at

least ten other telephones, with all needful service, for fire purposes, said last telephones to be furnished at one-half the price fixed by any such person, firm or corporation for resident telephone service, and to place all the said telephones in such offices or places as the common council shall or may from time to time by resolution direct.

SEC. 8. The maximum rates or rentals to be charged by any such person, firm or corporation maintaining any such telephone exchange or service within the limits of the City of Ann Arbor, including all service, except for out of town messages, shall be as follows:

For telephones in business places or offices, twenty-four dollars per annum, and for telephones in residences eighteen dollars per annum, the rental herein prescribed may be collected by any such person, firm or corporation quarterly in advance.

This ordinance shall take immediate effect.

An Ordinance Relative to Curbing and Gutters.

(Passed November 19, 1906; approved November 20, 1906.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. All curbing and gutters hereafter constructed in the City of Ann Arbor shall be of artificial stone, and the materials thereof shall be colored a dark red or brown to resemble Lake Superior sand stone. All curbing hereafter constructed shall be of the uniform height of six inches, and all gutters of the uniform width of twenty-four inches. *Provided,* however, That upon application of property owners desiring to construct curbing and gutters of other material, the common council may grant permits therefor. And provided, also, that upon application of property owners desiring to construct curbing of a

greater height or width than as above provided, the board of public works may, in cases where the city engineer shall deem it necessary on account of water or for other reasons satisfactory to said board, grant permits allowing the construction of such curbing to a height greater than six inches, and to a width greater than twenty-four inches.

SEC. 2. Curbing and gutters shall in all cases conform to the established grade of the street. At the intersection of streets and alleys the curbing shall be built in a proper curve under direction of the city engineer. At all other points said curbing shall be built on a line parallel with the center line of the street, and at such distance from said center line as will permit a width of thirty-four feet from curb to curb for the purpose of public travel. The portions of the street between the curbing and the side walk shall be lawn extension. *Provided*, however, That the common council may by resolution, reduce the width of said travelled portion of the street to thirty feet from curb to curb.

SEC. 3. Whenever the common council shall deem it expedient to order the construction of any curbing and gutter, in combination or separately, said common council shall so declare by resolution, naming the street or streets, or portions thereof, in and along which it is proposed to construct the same; whereupon it shall be the duty of the city engineer to cause all needful measurements and surveys to be made, to determine grades, if not already established, and to make estimates as to the value of the curbing and gutters already constructed within the specified limits within which it is proposed to construct such improvement; all of which said city engineer shall report to the common council, together with a full, complete and detailed estimate of the costs thereof, showing separately the costs of the curbed portions thereof at the intersections of streets and alleys; said

report shall be accompanied by a map, showing the street, or streets, or portions of such street or streets, upon which such improvement is proposed to be constructed, and showing all the land, lots or parts of lots fronting on or adjacent to the same.

SEC. 4. Such report of the city engineer, together with the original resolution, shall thereupon be referred to a committee of the common council, which shall make due inquiries relating thereto, and after hearing all persons interested therein, appearing and desiring to be heard, shall make a report thereon to the common council; such report of said committee shall include its determination as to the value of existing curbs and gutters within said specified limits and also as to whether said existing curbs and gutters were constructed in accordance with the ordinances and charter of the city in force when the same were constructed, and also whether said existing curbs and gutters, if any, were constructed and paid for by the owner or owners, or any former owner or owners, of adjacent property, and also whether the same was constructed on the proper line and at the grade then existing.

SEC. 5. Upon the coming in of the report of said committee, the common council, if the construction of such proposed uniform curb and gutters within said specified limits shall still be deemed expedient, shall so declare by resolution by a vote of the majority of the members elect, which resolution shall also declare that said curb and gutter within said specified limits is a necessary public improvement; and if said common council shall determine that existing curb and gutter, if any, within said specified limits, has been paid for by the owner or owners, or any former owner or owners of said adjacent lands and lots, and that the same was built in accordance with the charter and ordinances of the city then in force, it shall so declare in said resolution and also in such resolu-

tion set forth the proper description of all lands, lots, tenements and premises within said specified limits in front of which said curb or gutter or combination of curb and gutter has already been constructed and paid for by the owner or owners, or any former owner or owners, of said adjacent lands, lots, tenements and premises. And thereupon the matter shall be referred to the Board of Public Works and said Board of Public Works shall proceed to advertise for proposals for the furnishing of material and the performance of the work of construction of said curb and gutter within said specified limits in accordance with Section 137 of the Charter of the City of Ann Arbor. All bids submitted to the said Board shall be publicly opened and as soon thereafter as may be shall be referred by said Board of Public Works to the common council, together with its recommendation in respect thereto; and no contract shall be made by said Board until duly authorized by said common council.

SEC. 6. The costs and expense of building and constructing such uniform curbing and gutters when determined upon as herein provided, shall be audited and paid from the bridge, culvert and crosswalk fund.

SEC. 7. Whenever the common council shall have approved the plans and specifications for such curb and gutter within said specified limits, and shall have authorized the Board of Public Works to enter into a contract for the construction thereof, it shall, by resolution, declare that all such sums of money, when paid as aforesaid, from the bridge, culvert and crosswalk fund for the construction of such curb and gutter within said specified limits, shall be and become a lien on and against the land, lots, tenements and premises adjacent to and abutting upon said street, within said specified limits, which lien shall continue until the said money, so paid from said fund, shall be

repaid [into] or otherwise received by the city treasurer, and, when so received, the same shall be credited to the bridge, culvert and crosswalk fund. Provided, however, that in all cases, where it appears by the order and determination of said Common Council that there has already been established and constructed and in existence any curb, or gutter, or both curb and gutter, within said specified limits, and that the same has been constructed at the expense of the owner or owners, or any former owner or owners, of the adjacent lands or lots, and that the same was built in accordance with the city charter and ordinances in force at the time of the construction thereof, then the property in front of which such curb or gutter shall have been constructed shall be relieved of said lien to the extent of the value thereof as determined by said Common Council, and provided, also, that the cost of constructing the curbed portions of such curbing and gutters at intersections of streets and public alleys shall be a charge against the city.

SEC. 8. The Board of Public Works shall cause to be kept a just and true account of all moneys paid, laid out and expended for the construction of all curbing and gutters paid for from the bridge, culvert and crosswalk fund, as herein provided, as well as a particular description of the lots, lands and premises, in front of or adjacent to which any such curb and gutter shall have been constructed, and on or before the third Monday of October in each and every year shall report the said expenditures in writing to the Common Council, so arranged that there will appear from such report the particular sum of money which shall have been expended in the construction of each particular portion of curb and gutter in front of or adjacent to each particular description of land, lots, tenements, or premises, to the extent of and in the particular which shall create a lien against said lands, lots, tenements or premises as above provided for.

SEC. 9. Whenever such report of the Board of Public Works shall be certified to the common council, said common council shall, at the same or at the next meeting thereof, appoint and fix a day not later than the third Monday of November next following, when they will meet as a Board of Review to pass upon and determine the accuracy of the said certificate, and the said Common Council shall give notice to all persons named in the said certificate or who shall appear to be the owners of the particular description of the lands, lots, tenements and premises subject to lien as aforesaid of the time, when, and the place where such meeting will be held, at which meeting, after hearing every person, in person or by attorney, who shall desire to be heard, the said Council, as such Board of Review shall, without adjournment, proceed to determine the truth of such certificate, and shall have power and authority to change any sum of money stated therein, to correct any description of lands, lots, tenements, or premises, mentioned in the same, and to take any other action to the end that the said certificate may at all times be made just and true, which determination shall be in all things final and conclusive. After such determination said Board shall, by resolution, certify its determination to the Common Council, and the Common Council shall, at the same meeting, or at an adjourned session cause the money so found by the said Council as such Board of Review to be due and owing for the construction of such curb and gutter to be assessed on and against the owner of, and against the lands, lots, tenements or premises in front of or adjacent to which any such curb and gutter shall have been constructed as aforesaid and shall certify such determination and order of assessment to the city assessor.

SEC. 10. After such order and determination shall be certified to the city assessor, said city assessor shall without delay proceed to make, fill out and com-

plete a special assessment roll, in accordance with such order and determination and shall thereupon proceed to spread the sum or sums of money mentioned in any such order of assessment upon any such assessment roll, and assess the same against the persons therein named and against the lands mentioned therein, as determined by the Board of Review, and thereafter shall make a true copy thereof and certify the said assessment roll to the city treasurer, who shall have and retain custody of the same, and the taxes so spread on and assessed upon any such assessment roll and levied against the lands described therein shall be and remain a valid tax and charge against the owner and against the lands mentioned therein until paid. The said taxes shall become due and be payable in four equal annual installments: The first installment in the month of July along with the other city taxes next after any such assessment roll shall have been confirmed, and annually thereafter until fully paid. All of the said taxes shall draw interest from the date of confirmation of any such assessment roll at the rate of five per cent [per] annum until paid. Any person against whom any such tax shall have been assessed shall have leave and be at liberty to pay the same at any one payment at any time after any such assessment roll shall have been certified to the city treasurer, with interest from the date of confirmation only. The city assessor shall retain a copy of each assessment roll in his office.

SEC. 11. That on the third Monday in June in each and every year in which any such curb and gutter tax shall remain unpaid and be due and payable, the city treasurer shall proceed to the city assessor's office and together with the city assessor shall stamp or mark "PAID" on the copy of every such assessment roll all of the paid curb and gutter taxes due and payable in and during the then current year and the said city treasurer shall report all unpaid

curbing and gutter tax then due and payable; and the Common Council shall on the fourth Monday of June in each year certify to the city assessor, along with the other city taxes to be assessed, all unpaid and payable curbing and gutter taxes and all money required to be raised for the construction of all curbs and gutters, for the then current year and also in a general way a description of the lands by reference to the number of the curbing and gutter district to be taxed therefor; and the city assessor shall thereupon spread upon the general city tax roll of that year all such sums of money so remaining unpaid and payable, and so required to be raised for the construction of any such curbing and gutter, all such taxes to be carried out and entered in a separate column on said general tax roll with the interest thereon as aforesaid, the tax in one column and the interest thereon in another column, the general city tax roll to be properly ruled and printed for that purpose, and such columns to be entitled respectively "curbing and gutter tax" and "interest on curbing and gutter tax." And the sum or sums of money so set down and spread upon such general city tax roll, shall be, remain and continue a valid debt, demand and tax against the person, and a valid tax on and against the lands so assessed as aforesaid, until fully paid, and shall be certified to the city treasurer and collected in the same manner in every particular as the other taxes set down and spread upon such general tax roll are, shall or may be collected.

SEC. 12. In case the tax assessed on such lands, lots, tenements or premises charged with the expense of constructing any curb and gutter as provided by this ordinance shall not be paid or collected and any such lands, lots, tenements and premises shall be returned for non-payment of such tax by the city treasurer, such lands, lots, tenements and premises, unless soon redeemed, shall be sold for such tax by the

county treasurer at the annual sale of lands for delinquent taxes, and in the same manner as for other taxes, as provided by law.

SEC. 13. All notices required to be served by this ordinance shall be served by the street commissioner, marshal, or any policeman of said city, personally on the owner or owners of the lands, lots, tenements and premises fronting on or adjacent to which it is proposed to construct any such curb and gutter, if such owner or owners shall be found within the city. If such owner or owners shall not be found within the city, then such notice shall be served personally on the occupant of any such premises, and if any such premises shall be vacant and the owner or owners thereof shall not be found within the city, then such notice shall be served by posting the same in some conspicuous place upon the said premises; *Provided*, however, that the notice of the meeting of the Common Council as a Board of Review may be given by publication in the official newspaper or newspapers of the said city, and one publication in such newspaper or newspapers, shall be deemed sufficient, and the said Board of Review shall have authority to proceed on filing with the city clerk due proof by affidavit of such publication.

SEC. 14. Any owner, agent or occupant of any lands, lots, tenements or premises, or any other person constructing, reconstructing, renewing or repairing any curb and gutter contrary to the provisions of this ordinance, or constructing the same of material other than as herein directed, shall, on conviction thereof, be punished by a fine not to exceed one hundred dollars, and the costs of prosecution; and in the imposition of any such fine and costs, the court may make the further sentence that the offender be imprisoned in the county jail of the county of Washtenaw, or other place of imprisonment provided by the city of Ann Arbor, until the payment thereof, pro-

vided, that the term of any such imprisonment shall not exceed a period of thirty days.

SEC. 15. This ordinance shall take effect and be in force ten days after its legal publication.

SIDEWALKS.

An Ordinance Relative to Sidewalks.

(Passed March 6, 1893; approved March 11, 1893; amended February 17, 1896; amended July 18, 1898; April 16, 1900; September 16, 1901; May 18, 1903.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1.* All sidewalks hereafter graded, constructed, repaired or renewed in said city shall conform to grade lines established by the common council, and to such specifications as are hereinafter set forth or provided for, in regard to width, material and mode of construction.

SEC. 2.* All sidewalks on Main street between Catherine and William streets shall be thirteen feet in width, except the sidewalk along the west side of the court house square which shall be 10 feet in width. All sidewalks on Fourth avenue between Catherine and Liberty streets, on Ann street between Fourth avenue and Main street, on Detroit street between Fourth avenue and Catherine street, on Huron and Washington streets between Fifth avenue and Ashley street, on Liberty street between Fourth avenue and Ashley street, and on the west side of State street between William and Liberty streets, shall be twelve feet in width, except the sidewalks on Huron and Ann streets and Fourth avenue, along the south, north and east sides of the court house square, which shall be 10 feet wide. All sidewalks on Huron and Washington streets between Fifth avenue and State street, on Lib-

* As amended February 17, 1896.

erty street between Fourth avenue and State street, on William street between Ashley and State streets, on Main street between William and Packard streets, on Detroit street between Catherine and Depot streets, on State street between Fuller and Packard streets except as hereinbefore provided, on North University avenue, on East University avenue between North University avenue and South University avenue, on South University avenue between East University avenue and State street, shall be not less than six feet in width; and sidewalks on all other streets or parts of streets shall be not less than five feet in width: *Provided*, That the common council may at any time by resolution order the sidewalks along any block or street in said city to be wider or narrower than above prescribed.

SEC. 3.* Within the limits hereby specified all sidewalks shall hereafter be constructed of stone flagging or artificial stone (cement) and of no other material, to wit:

On Main street between Packard and Catherine streets; on Ashley street between Huron and William streets; on Fourth avenue between Packard and Catherine streets; on Division street between Detroit and Packard streets; on State street between Fuller and Packard streets; on Ann street between Ashley and State streets; on Washington, Liberty and William streets between Ashley and State streets; on east side of Detroit street between Fourth avenue and Depot street; on both sides of the North, East and South University avenues, adjoining the University grounds or campus, and on the east side of Washtenaw avenue, between East University avenue and Hill street; on the south side of Hill street between Packard and Sybil streets; and all other sidewalks

* As amended May 18, 1903.

within the district bounded and enclosed by the following streets and parts of streets, to-wit:

Main street from Packard to Catherine, Catherine street from Main to Division, Division street from Catherine to Kingsley street, Kingsley street from Division to Ingalls, Ingalls street from Kingsley to Huron, Huron street from Ingalls to Twelfth, Twelfth street from Huron to North University avenue, North University avenue from Twelfth to Washtenaw avenue, Washtenaw avenue from North University avenue to Hill street, Hill street from Washtenaw avenue to East University avenue, East University avenue from Hill street to Tappan street, Tappan street from East University avenue to Oakland avenue, Oakland avenue from Tappan street to Arch street, all of Arch street, Packard street from Arch to Main, and also upon Geddes avenue from Washtenaw avenue to Observatory street, shall be constructed of stone flagging or artificial stone (cement).

Provided, however, that the Common Council shall have power and authority in its discretion to authorize the construction or repair of a tar or asphaltum sidewalk on and along any street or avenue aforesaid within the district aforesaid. Upon all other streets, avenues or parts of streets within the city, sidewalks shall be constructed, repaired and renewed of stone flagging, artificial stone (cement), tar or asphaltum, or other material as ordered and required by the Common Council, and all work done and all material shall be in all things first-class, and satisfactory to the Board of Public Works.

SEC. 4.* Stone walks shall be constructed according to the following specifications: Stone flagging shall have a smooth upper surface and shall not be less than two inches in thickness. The flagstones shall

* As amended July 18, 1898.

not be less than four feet square, shall be dressed square and even on the sides, so as to make close and even joints, and shall be laid with the smooth side up upon clean sand in water lime. Old stone flagging may be recut and relaid under the direction and permission of the street commissioner, but not less than six feet in width of the central portion of any stone sidewalk in the business portion of the city shall always be repaired or renewed with new flagging.

SEC. 5.* Specifications for cement walks. The trench shall be excavated to a depth of 12 inches below the established grade, except for driveways and street crossings where the depth shall be 18 inches below the established grade.

The foundation shall consist of clean cinders or gravel entirely free from clay thoroughly rammed to a thickness of 7 inches, except for driveways and street crossings which shall be 10 inches thick.

On the foundation shall be laid a concrete filling thoroughly rammed to a thickness of 4 inches, except for driveways and street crossings which shall be 6 inches thick. The concrete shall consist of one part cement, two parts clean sharp sand, three parts clean gravel.

On the concrete filling shall be laid a finishing layer one inch thick, consisting of one part cement, two parts of very clean, sharp sand, except for driveways and street crossings which shall be two inches thick. The said finishing layer shall in all cases be finished with a granular surface, with a wooden float.

To secure a true line for the edges of the walk, 2 x 4 strips shall be solidly staked down parallel to grade and on the true line of the walk, these strips to be removed when walk is finished for use.

The walk shall have a pitch one-quarter of an inch

* As amended February 17, 1896.

to the foot toward the curb; in street crossings the pitch shall be both ways from the center line.

The concrete filling should be tamped thoroughly till the water comes to the surface, then the finishing layer shall be immediately spread on in thin coats thoroughly troweled into the concrete, each coat being troweled till the water appears on the surface, the top surface being only troweled sufficiently to leave it smooth.

The foundation shall be thoroughly wet while being rammed.

The joints for the blocks shall be made in the concrete and then in the finishing layer directly above those in the concrete.

Only Portland cement shall be used in the construction of walks and shall be in every respect the equal of the best grades of German Portland cement.

The concrete filling shall be made from the same cement as the finishing layer.

Sharp sand is such as shows its grains under the microscope to have sharp angular corners and not rounded corners.

SEC. 6.* Hereafter it shall be unlawful to build or construct within the City of Ann Arbor any sidewalk of plank or of any material not called for or stated by this ordinance, but plank sidewalks now constructed and in use may be repaired whenever ordered by the common council or directed by the Board of Public Works. All sidewalks hereafter constructed within the stone or cement district as in this ordinance fixed and determined, shall be constructed of stone, cement, paving-brick, tar or asphaltum. Tar and asphaltum sidewalks shall be constructed according to the following specifications and in the following manner: The earth shall be excavated to the depth of at least four inches below the side-

* As amended April 16, 1900.

walk grade, and filled with coarse gravel, thoroughly mixed with tar or asphaltum to a depth of at least three inches, and to within one inch below the grade, and well and sufficiently packed and thoroughly rolled, and thereafter a top dressing of fine well-screened sharp sand mixed four parts of sand and one part of tar or asphaltum to the depth of at least one inch, shall be placed thereon and thoroughly rolled to a smooth and flat surface. Inside of all tar or asphaltum sidewalks shall be constructed one inch higher than the outside, the center line to be constructed on the true sidewalk grade and one and one-half inches higher than the outside or street side thereof.

SEC. 7.* Curbstones shall be set perpendicularly throughout the business part of the city, and conform to the established grade. At the intersection of streets and alleys the curb shall be built in a proper curve under the direction of the street commissioner. All sidewalks shall be built so as to slope towards the curb at the rate of one inch in every four feet of width.

SEC. 8.* Whenever the common council shall order any sidewalk to be constructed, repaired or renewed, it shall be the duty of the Board of Public Works to cause any filling or excavation that may be necessary in order to bring the said sidewalk to the prescribed grade to be made at the expense of the city: *Provided*, That the said board may, in their discretion, build a trestle instead of an embankment for raising a sidewalk to the required elevation; and *Provided*, That the foregoing provision shall not be construed to charge the city with the expense of removing old sidewalks, or of filling excavations resulting from such removal. And it shall further be the duty of the said Board of Public Works to cause all sidewalks in process of construction, repair or re-

* As amended February 17, 1896.

newal, in said city, to be inspected from time to time by some competent person, to the end that the requirements of this ordinance may be fully complied with or that complaint may be made promptly for any violation thereof. It shall be the duty of the street commissioner to inspect the sidewalks of this city from time to time, and report promptly to the common council all sidewalks requiring to be repaired or renewed in said city; and the said street commissioner shall attend all special meetings of said council or of any committee thereof to which he may be summoned, and shall be ready to furnish the common council with complete information with regard to the condition of the sidewalks reported by him and with regard to the probable cost of repairing or renewing the same. The board of public works are hereby authorized and required to cause such temporary repairs to be made in sidewalks, at the expense of the city, as may be immediately necessary for the safety of pedestrians. and all bills for that purpose when duly certified to by the street commissioner, or president of the board of public works shall be allowed by the common council and paid out of the street fund. It shall be the further duty of the board of public works, whenever the common council shall permit by resolution the construction, repair or renewal of any sidewalk in this city of any other material than stone flagging, artificial stone or cement, to prepare suitable specifications to govern said construction, repair or renewal, and such specifications shall be of the same force and effect as though incorporated at length in this ordinance.

SEC. 9.* No sidewalk shall hereafter be graded, constructed, repaired or renewed within the limits of this city, by the owner, occupant or agent of the lot, building or premises adjacent to and abutting upon

* As amended February 17, 1896.

the said sidewalk, without notice in writing having been duly filed with the city clerk at least three days previous thereto. The said notice shall set forth the location of the said sidewalk by street and number of the premises adjacent thereto, or by other sufficient designation, the materials of which the sidewalk is to be constructed, repaired or renewed, the name of the person intending to perform the work of construction, repair or renewal, and the date upon which the said work is to be begun, and shall be signed by the said owner, occupant or agent. But no failure on the part of any officer of this city, of the common council or board of public works to act promptly upon any information contained in said notice, shall operate to relieve any person filing the same from any penalties to which he might otherwise render himself liable for a violation of any of the provisions of this ordinance with reference to width, position, materials or mode of construction of said sidewalk.

SEC. 10.* All sidewalks shall be laid parallel to the adjacent property line and distant therefrom as follows: The inner line of all sidewalks of a greater width than six feet shall coincide with said property line; the central line of all other sidewalks shall be distant four feet from said property line. The common council may by special resolution except any sidewalk from the above regulation.

SEC. 11.* Whenever the common council shall order any sidewalk to be constructed, rebuilt, repaired or renewed, it shall be the duty of the board of public works to cause a notice to be served upon the owner, agent or occupant of the adjacent and abutting lot, building or premises. Said notice shall set forth the action of the council and shall require the said sidewalk to be constructed, repaired or renewed within thirty days unless a different time shall be

* As amended February 17, 1896.

specified in the resolution of the council. After due service of the said notice in the manner hereinafter prescribed, it shall be the duty of the said owner, agent or occupant to construct the said sidewalk in the time prescribed in the said notice and of the materials and in the manner required by this ordinance. If the said owner, agent or occupant shall neglect to perform his said duty, and shall fail to construct, or repair or renew the said sidewalk in the time required by the said notice, and of the materials as prescribed in this ordinance, it shall be the duty of the said board of public works to proceed at once upon the expiration of the time limited in the said notice, to construct, repair or renew the said sidewalk of the material and in the manner herein required, and the expense thereof with ten per cent added thereto shall be assessed upon and become a lien against the said adjacent and abutting lot, building or premises.

SEC. 12.* All sidewalks in said city shall be kept and maintained in good order and repair by the owner or occupant of the land, building or premises adjacent to and abutting upon the same; and if any owner or occupant shall neglect to keep and maintain the sidewalk along the front, rear or side of the land, building or premises, owned or occupied by him or her, in good repair and safe for the use of the public, the said owner or occupant shall be liable to the said city for any damages recovered against said city sustained by any person by reason of said sidewalk being unsafe and out of repair.

SEC. 13.* The common council shall provide and direct that the cost and expense of the building, construction and repair of all such sidewalks so ordered graded, constructed or repaired by the board of public works shall be audited and paid from the street fund, and all such sums of money, when so paid, with

* As renumbered by ordinance February 17, 1896.

ten per cent. thereon added thereto, shall be and become a lien on and against the lot or parcel of land in front of or adjacent to which the sidewalk shall have been graded, constructed, or repaired, which lien shall continue until the said money so paid shall be repaid into or otherwise received by the city treasurer, and when so received the same shall be credited to the street fund.

SEC. 14.* The board of public works shall keep and cause to be entered, in a book provided for that purpose, memoranda with dates, names and the particulars of all such notices, so served, as aforesaid, to grade, construct, build, repair or renew any such sidewalks, and shall keep on file a duplicate of all such notices so served, as aforesaid, with a return endorsed thereon of the time and mode of the service of the same; and shall also keep a just and true account of all moneys paid, laid out and expended for the grading, construction or repair of any such sidewalks, as well as a particular description of the lands, tenements and premises in front of or adjacent to which any such sidewalks shall have been graded, constructed or repaired, and on or before the third Monday of October in each and every year shall report the said expenditures in writing to the common council, so arranged that there will appear from such report the particular sum of money which shall have been expended in the grading, construction or repair of each particular sidewalk in front of or adjacent to each particular description of lands, tenements or premises.

SEC. 15.* Whenever any such certificate shall be received by the common council, the common council shall at the same or at the next meeting thereof appoint and fix a day not later than the third Monday of November next following when they will meet as

* As renumbered by ordinance February 17, 1896.

a board of review to pass upon and determine the accuracy of the said certificate, and the said common council shall give notice to all persons named in the said certificate of the time when and the place where such meeting will be held, at which meeting, after hearing every person, in person or by attorney, who shall desire to be heard, the said council as such board of review, shall without adjournment proceed to determine the truth of such certificate, and shall have power and authority to change any sum of money stated therein, to correct any description of land or premises mentioned in the same, and to take any other action to the end that the said certificate may in all things be made just and true, which determination shall be in all things final and conclusive. After such determination said board shall by resolution certify its determination to the common council, and the common council shall at the same meeting or at an adjourned session cause the money so found by the said council as such board of review to be due and owing for the grading, construction or repairing of any such sidewalk or sidewalks, to be assessed on and against the owner of and against the land, lot or premises in front of or adjacent to which any such sidewalk or sidewalks shall have been graded, constructed or repaired by the said board of public works, and shall certify such determination and order of assessment to the city assessor. The said city assessor shall on receipt thereof proceed to set down in and assess upon the general assessment roll of the said city for the then current year the sum or sums of money so certified against each particular lot or parcel of land so in said order of assessment mentioned, against which the said sums of money are respectively charged, by adding such sums of money to the general city tax, and said sums of money so set down in said assessment roll shall be and become a valid debt, demand and tax against the owner of the lot, land

and premises and a valid tax against the lot, land and premises in front of or adjacent to which any such sidewalk may have been graded, constructed or repaired by the said board of public works, and shall be collected in the same manner in every particular as the tax to which it is thus added and as the other taxes set down in and spread upon the said assessment roll are collected.

SEC. 16.* In case the tax assessed on any such lot, land or premises charged with the expense of grading, constructing or repairing any sidewalk as provided by this ordinance shall not be paid or collected and any such lot or lands and premises shall be returned for non-payment of such tax by the city treasurer, such lots or lands and premises, unless sooner redeemed, shall be sold for such tax by the county treasurer at the annual sale of lands for delinquent taxes, and in the same manner as for other taxes, as provided by law.

SEC. 17.* All notices required to be served by this ordinance shall be served by the street commissioner, marshal or any policeman of said city, personally on the owner of the lands or premises fronting on or adjacent to which it is proposed to grade, construct or repair any such sidewalk, if such owner shall be found within the city. If such owner shall not be found within the city, then such notice shall be served personally on the occupant of any such premises, and if any such premises shall be vacant and the owner thereof shall not be found within the city, then such notice shall be served by posting the same in some conspicuous place upon the said premises; provided however, that the notice of the meeting of the common council as a board of review may be given by publication in the official newspaper or newspapers of the said city, and one publication in

* As renumbered by ordinance February 17, 1896.

such newspaper or newspapers shall be deemed sufficient, and the said board of review shall have authority to proceed on filing with the city clerk due proof by affidavit of such publication.

SEC. 18.* It shall be the duty of every owner, agent or occupant of any lot or premises, who shall be notified by the board of public works to build, construct or repair any sidewalk or sidewalks to promptly comply with such notice, and grade, construct or repair any such sidewalks as ordered and in case any owner, agent or occupant shall neglect to so grade, build, construct or repair any such sidewalk or sidewalks within the time prescribed in the notice of the board of public works, and in case the city by any suit, action or other proceedings shall be compelled to pay damage for injuries to any person or property on account of such neglect, such owner, agent or occupant, in addition to all other fines and liabilities provided by this ordinance, shall be liable to the city for the amount of all damages and costs so paid, and the same may be collected if necessary in an action of assumpsit in the proper court.

SEC. 19.* Any owner, agent or occupant of any lot, or any other person grading, constructing, reconstructing, renewing or repairing any sidewalk, contrary to the provisions of this ordinance, or of material other than hereinbefore prescribed, shall on conviction thereof, be punished by a fine not to exceed twenty-five (25) dollars and the costs of prosecution; and in the imposition of any such fine and costs the court may make the further sentence that the offender be imprisoned in the common jail of the County of Washtenaw until the payment thereof: *Provided*, That the term of any such imprisonment shall not exceed a period of thirty (30) days. •

* As renumbered by ordinance February 17, 1896.

SEC. 20.* The common council shall have power and authority to provide by resolution for the grading, construction and repair of all such sidewalks by contract which shall not have been graded, constructed or repaired by the owner, agent or occupant. Whenever any such sidewalk shall be graded, constructed or repaired by contract, then the lot, lands tenements and premises in front of or adjacent to which any such sidewalk is so graded, constructed or repaired shall be charged and assessed the contract price only. And whenever the common council shall conclude any such contract, in the event of the failure of the owner, agent or occupant to grade, build, construct or repair any such sidewalk, it shall then be the duty of the board of public works to forthwith notify such contractor of such default. Whereupon such contractor shall forthwith proceed to grade, build, construct or repair any such sidewalk according to this ordinance and the order of the common council.

SEC. 21.* In the event of the failure, neglect or refusal of the common council to conclude any such contract, it shall be lawful for the board of public works to make and ordain rules for the letting by contract the grading, construction, and repairs of sidewalks and crosswalks so ordered to be constructed or repaired by the common council, and the work done and material furnished by any such contractor shall be deemed to have been done and furnished by the board of public works.

SEC. 22.* In ordering the grading, construction or repairing of any sidewalk, it shall be sufficient in the resolution or order therefor to specify the street and the side of the street upon which said sidewalk is or shall be located, and the name of the owner, or street number of the property, house, store or prem-

* As renumbered by ordinance February 17, 1896.

ises in front of which any such sidewalk shall be ordered to be graded, constructed or repaired.

This ordinance shall take effect and be in force on and after the first day of April, A. D. 1893.

FRANCHISES.

An Ordinance Authorizing the Regents of the University of Michigan to Lay Water Pipes or Mains in the Streets, Lanes and Alleys.

(Passed March 16, 1875.)

WHEREAS, The regents of the University of Michigan have made application, by resolution, addressed to the common council of the City of Ann Arbor, for the privilege of laying down in the streets of said city water pipes, for the purpose of supplying said University with water; and

WHEREAS, it is by said council, after due consideration of such application, deemed expedient, rightful and proper to grant such privilege, under such reasonable reservations and restrictions as are herein-after mentioned; therefore,

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor, in Common Council assembled:

That the regents of the University of Michigan be, and they are hereby authorized, to lay down in, along and across the public streets, lanes and alleys of said city, all such water pipes or mains as may be necessary to properly supply the buildings and grounds belonging or appertaining to said University with water for protection against fire and for general use, and for that purpose to dig, trench and excavate in, along and across such public streets, lanes and alleys: *Provided*, and this grant of authority is made, and is to be accepted, held and used only upon con-

dition, That the said regents shall not unnecessarily or unreasonably obstruct or injure any street, sidewalk, crosswalk, lane or alley in trenching, digging or excavating for the purpose of laying water pipes or mains, and shall with reasonable diligence, and at their own charges, restore all such streets, sidewalks, crosswalks, lanes and alleys to as good a state of repair and condition as the same were in before disturbed by them, and shall at all times and in all respects fully indemnify and save harmless the City of Ann Arbor from and against all damages or costs which said city may incur or sustain by reason of any such trenching, digging, or excavating.

An Ordinance Relative to Privileges Granted Electric Light Co.

(Passed June 2, 1884.)

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor, Mich.:

SECTION 1. That permission and authority be and the same is hereby granted unto the Ann Arbor Van-Depoele Light and Power Company, of the City of Ann Arbor, in the State of Michigan, and to their associates and assigns to erect, construct, complete and operate electric light works to furnish light and power and for use for chemical and mechanical purposes in the City of Ann Arbor, Michigan, and the said grantees or either of them or their employees are hereby authorized and empowered to use the streets, avenues, lanes, alleys, public grounds and sidewalks belonging to or under the control of said city as it is now laid out, or as it may hereafter be laid out, extended or enlarged, for the purpose of conveying electricity in or through the city for the use of the city and its inhabitants for the purposes above stated, and the right of way is hereby given to said grantees

through such streets, avenues, lanes, alleys, public grounds and sidewalks for erecting the necessary poles and laying the necessary wires and other appliances in, through, under and over the said streets, alleys, avenues, lanes, public grounds and sidewalks for the purpose herein stated: *Provided*, The said streets, avenues, lanes, alleys, public grounds and sidewalks shall not be unnecessarily and continuously obstructed, and they shall be within a reasonable length of time placed as near as possible in as good repair and condition as before such streets were so obstructed.

SEC. [2] 3. That if the said Ann Arbor VanDe-
poele Light and Power Company shall not have commenced the work of erecting said electric light works within sixty days and shall not have the same in successful operation within three months from the date hereof, that the authority herein granted shall be forfeited and authority void.

**An Ordinance Granting the Edison Electric Light Co.
Permission to Set Poles, String Wires, Etc.**

(Passed October 6, 1884. Vote not recorded.)

*Be it Ordained by the Mayor, Recorder [and Alder
men] of the City of Ann Arbor, Mich.:*

SECTION 1. Consent, permission and authority is hereby given to the Edison Electric Light Company of Ann Arbor, a corporation under and by virtue of the [laws of the] State of Michigan, to erect, lay, operate and maintain and run in the public streets, lanes, avenues, alleys, parks and other public places in the City of Ann Arbor, all needful and proper poles, mains, wires, pipes, lamps, motors and other apparatus to be used for the transmission of electric-

ity for the purpose of furnishing light, heat, power and signals.

SEC. 2. Whenever it may be found necessary to make any construction or repairs that the company shall take care not unnecessarily or unreasonably to obstruct or injure any street, alley, sidewalk or lanes, and shall with reasonable diligence restore such streets, sidewalks, lanes or alleys to as good a state of repair as the same were in before disturbed by said company, and shall in all respects fully indemnify and save harmless the City of Ann Arbor from and against all damages or costs which the city may be put to or sustain by reason of such disturbance.

SEC. 3. That if the said Edison Electric Light Company of Ann Arbor shall not have the same in successful operation within six months from the date hereof that the authority herein granted shall be forfeited and void.

An Ordinance Relative to Water Works.

(Passed June 1, 1885. Contract agreed to May 6, 1885.)

WHEREAS, The mayor, recorder and aldermen of the City of Ann Arbor have by resolution declared it expedient to have constructed works for the purpose of supplying the City of Ann Arbor and the inhabitants thereof with water; and that it is inexpedient for said city to build such works; and

WHEREAS, The Ann Arbor Water Company has been organized under the statutes of this State for the construction of such works; and

WHEREAS, It has thereby become the duty of the common council of this city to grant to such company such right to the use of the streets, sidewalks, lanes, alleys and public grounds in such city as shall be necessary to enable such company to construct the prop-

er works for the supply of water for the use of this city and its inhabitants; and

WHEREAS, The said Ann Arbor Water Company have made and executed with the common council of this city, a contract bearing date the sixth day of May, A. D. 1885, whereby the said company agree to furnish water for said city and its inhabitants upon the terms and conditions in said contract mentioned; therefore,

*Be it Ordained by the Mayor, Recorder and Aldermen
Of the City of Ann Arbor:*

That the exclusive right and privilege of executing and constructing water works within the city, and of laying and continuing water pipes along and across any and all of the streets, sidewalks, lanes, alleys and public grounds in said city, and of supplying water for the city and for its inhabitants, be and is hereby granted and secured to the Ann Arbor Water Company, upon the condition and under the restrictions in such contract mentioned, so long as said company shall continue to supply water for said city and for the inhabitants thereof, and shall comply with the restrictions and conditions in such contract named and imposed. Which contract is as follows, to-wit:

The Contract.

Articles of Agreement: Made this 6th day of May, A.D. 1885, between the "Mayor, Recorder and Aldermen of the city of Ann Arbor," parties of the first part, and "The Ann Arbor Water Company," a corporation organized and existing by virtue of Chapter 84, of Howell's Annotated Statutes of Michigan, party of the second part.

WITNESSETH: The party of the second part, hereby agrees and contracts with the parties of the first part, to build in the city of Ann Arbor, in the State of Michigan, a complete system of water works, on

the reservoir and pumping plan. The top of the reservoir shall be located not less than one hundred and fifty-five feet above the intersection of Main and Huron streets in said city, or at the point designated on the map and plans of Professor C. E. Greene, now on file in the office of the recorder of the city of Ann Arbor. The reservoir shall be made of earth, shall be puddled with clay, paved on the bottom and [on] the sides with cobble stones, and shall hold not less than two million gallons.

The party of the second part shall maintain in said reservoir from one million to eighteen hundred thousand gallons of water, and at no time shall allow it to fall below seven hundred and fifty thousand gallons, except when necessary to cleanse the same, or in case of unavoidable accident, and during such time or times it shall maintain by direct pressure a sufficient supply of water for fire and domestic use, and shall keep up steam and also an engineer on hand ready to act in case of fire.

The reservoir shall be cleansed whenever necessary.

The inlet pipes to the reservoir shall be one foot above the bottom thereof, and shall be so arranged that the water pumped into said reservoir shall pass in a pipe up through the same above the level of the water, and then fall over on a stone rockery so as to give the water more aeration.

A drain pipe shall be provided to empty the reservoir.

The banks of the reservoir shall be seeded and sodded.

The party of the second part shall furnish and set up pumping machinery capable of pumping fifty thousand gallons of water per hour into the reservoir, and of ample power and capacity for all requirements. A connection between the force main and the distribut-

ing main shall be put in to allow a direct pressure from the pump in case of emergency.

The works shall at all times be capable of throwing by reservoir pressure, six streams eighty feet high at the court house at one time; and by direct pressure, the same number of streams at the same place one hundred and ten feet high. And again five streams fifty-four feet high at the University campus, and the same number of streams at the same place by direct pressure, ninety feet high.

In the construction of these works, the party of the second part shall follow the plans submitted by Prof. C. E. Greene, for the sizes and location of the distributing pipes, except so far as they have been or may hereafter be changed by the mutual consent of the parties thereto.

The said plans and maps so as aforesaid submitted by Prof. C. E. Greene, now on file in the office of the city recorder and marked exhibit "A" are hereby made a part of this contract.

The party of the second part shall lay pipes sixteen inches to four inches inclusive, not less than fourteen miles in length; and any excess of said fourteen miles as shown on the said plans and maps, shall be laid down within the territory now covered by said plan, unless the parties hereto otherwise mutually agree.

Not more than one mile of four inch pipe shall be laid down, and for the change so made in the plan of Prof. C. E. Greene, from four to six inch pipe, the parties of the first part shall pay to the party of the second part the sum of two hundred and fifty dollars every six months after the rent of said works commences.

The said pipes shall be first-class cast iron pipes and shall be laid below freezing point.

On the length of the pipes so constructed as aforesaid, the party of the second part shall locate and

maintain one hundred fire hydrants, for which they shall furnish at all times the necessary supply of water, and shall keep the same in good order and at all times ready for use.

The said hydrants shall be either Chapman, Ludlow or Pattee & Perkins hydrants, and shall all be three nozzled, one steamer and two leading hose, and on these fourteen miles of pipe the parties of the first part may locate as many additional hydrants as they may see fit which shall be set and maintained by the parties of the first part on the terms hereinafter named.

The parties of the first part shall have the right to send an expert to the foundry at which the pipes are being cast to inspect the same, and the material from which they are made. The party of the second part agrees that such pipe shall be subjected to a hydraulic pressure of three hundred pounds to the square inch at the foundry aforesaid, and that such tests shall be made in the presence of an expert so to be sent as aforesaid. The expense of the said expert shall be borne by the parties of the first part. But in case the parties of the first part should decide not to send such expert, the party of the second part shall furnish the parties of the first part a sworn statement that the pipes have been tested as provided for in this contract.

The said party of the second part shall subject the entire system of pipes, gates and hydrants to a pressure of one hundred and fifty pounds to the square inch, after the same are laid, constructed or put in, before the rental of the same shall commence.

The party of the second part shall also set valves or gates not less than seventy-five in number, and all double faced, which shall all open one way and which shall be of uniform size in nut that shall fit one wrench.

The party of the second part shall cause the pipes

to be laid on such side of the streets of said city as may be directed by said first parties or their representatives; and all gate boxes are to be adjusted so as to fit the grade of any street.

Every hydrant on the main pipe shall have a gate until a point is reached that gives two mains to the city aforesaid.

The said second party shall lay at its own expense a surface pipe to the curb stone for all persons that may make application for water this season.

The said second party on the completion of said works, shall make a map showing the size and location of all pipes, gates, hydrants, etc., and deposit the same with the city recorder, for the use of the said parties of the first part. The location of the gates and hydrants shall be subject to the approval of the parties of the first part.

The said entire works shall be first-class in every respect, suitable for all these requirements, full, efficient and ready to respond at all times, unavoidable accidents excepted: *Provided however*, In case of a temporary failure to supply such water for a period exceeding one week, all compensation shall cease until the works are again in operation, under this contract.

No hydrants shall be located on a four inch pipe.

The parties of the first part shall have the right to use the water to test their hose and to afford them a reasonable practice for their firemen.

The said water works shall be completed and water turned on, on or before the first day of January, A.D. 1886.

For the service and continued supply of water, as above specified, the parties of the first part hereby agree to pay to the party of the second part the sum of four thousand dollars per annum, payable semi-annually, from and after the time when said water works shall be completed and in operation, in addition to the five hundred dollars above named, and

when further hydrants shall be established by direction of the parties of the first part, as above provided, the parties of the first part to pay to the parties [party] of the second part the first cost in place for such additional hydrants, and the party of the second part shall supply such additional hydrants with water without further charge. Similar hydrants on the same terms and conditions shall be put in on the line of said water pipes on the public streets at the request of private parties and at the expense as aforesaid.

The depth at which the pipes are to be laid shall be below the freezing point of the grade of the streets through which they may be laid, as now established and of record.

The party of the second part shall extend the pipes above specified beyond the said fourteen miles, whenever ordered by the parties of the first part, and for every seven hundred feet of six inch pipe so ordered in such extension, the party of the second part shall erect and maintain one hydrant; and for each hydrant so maintained the party of the second part shall receive therefor at the rate of forty dollars per annum, payable as aforesaid. The party of the second part shall furnish at all times a sufficient supply of water, suitable for domestic purposes to the inhabitants of the city of Ann Arbor along the lines of their water pipes, when requested so to do by such inhabitant at reasonable rates, and not exceeding in amount the average sums paid by inhabitants of other cities of Michigan similarly situated and of like population, and supplied by private companies.

The said party of the second part shall furnish such water as aforesaid for manufacturing purposes, and for railroad companies on as reasonable terms as is furnished by the average of other companies in this State and at a sum not to exceed two cents for one hundred gallons.

The party of the second part further agrees to so arrange the pipes, gates and relief valves that while cleaning the reservoir or for any other purpose the supply can be changed at any time from the reservoir to direct supply from the pump.

All pipes and special castings shall be subjected to a bath of coal tar and linseed oil, according to Dr. Angus Smith's formulas.

The party of the second part further agrees to furnish water as aforesaid for the Michigan Central rail road company for depot and engine purposes at a sum not to exceed six hundred dollars per annum. and for the Toledo, Ann Arbor and Northern railroad company such water at the same rates.

The party of the second part, in consideration of the premises agrees when requested so to do, to furnish water for the seven public school houses, of the said city, and the three fire engine houses, for the sum of two hundred and fifty dollars per annum; also to furnish water for two public drinking fountains for the sum of one hundred and fifty dollars per annum; also to furnish water for washing gutters and flushing sewers, whether now constructed or hereafter to be built, and for the city council room for the sum of one hundred dollars per annum; also that they will furnish water for any school house or houses, that are now in process of construction, or that may hereafter be built for the sum of twenty-five dollars per annum each. It is here by understood that for the prices above mentioned, the parties of the first part are to have the use of all the water that they may require, at the places above mentioned, for water closets, urinals, drinking purposes, washing, washing hose, for supplying steam boilers, and for the use of hand hose, for washing windows in all the above buildings and for sprinkling the lawns, including the court house lawn, connected with the same. The said

first parties shall not allow the water to be used in and about the buildings aforesaid to run to waste, or to be used for motive power except when generated into steam, or the water at the public drinking fountains to be taken therefrom for private use.

The party of the second part shall protect the party [parties] of the first part from and against all suits and demands on account of any injury resulting from any defect in highways, or anything connected with the construction or existence of said water works, by the said party of the second part; and they [it] shall protect their [its] excavations and restore the streets promptly to as good condition, practically, as before the works were begun; and they [it] shall secure the performance of this agreement set forth in this paragraph by a good and sufficient bond to be approved by the parties of the first part.

The parties of the first part do hereby grant to the party of the second part the right to lay pipes as above provided for water supply in any and all streets of the city of Ann Arbor. The said parties of the first part shall not grant such rights to any other party or parties until such time as the parties of the first part may purchase said water works; or the right of said party of the second part shall have expired by its articles of incorporation; or it shall have lost its rights and privileges by forfeiture, or its failure to perform its part of this contract: *Provided however*, That all rights of laying pipes already granted by the parties of the first part shall be respected and remain in force.

The parties of the first part shall have the right to purchase the entire water works at any time they choose, and if the parties hereto cannot agree in the price to be paid therefor, the judge of the supreme court of the State of Michigan may appoint three commissioners who shall award the price to be paid, and said award shall be binding upon the parties.

The grant to the party of the second part of the rights and privileges herein named is established by an ordinance of the said parties of the first part duly adopted.

In witness whereof the parties hereto by their respective officers have hereunto set their hands and affixed their corporate seals, the day and year first above written.

[L. S.] THE MAYOR, RECORDER AND ALDERMEN OF THE
CITY OF ANN ARBOR,
by George H. Pond, Recorder.

[L. S.] THE ANN ARBOR WATER COMPANY,
by Chas. L. Goodhue, President.

This ordinance shall be in force from and after its passage.

An Ordinance Relative to Street Railways.

(Passed August 13, 1888; amended September 6, 1889; amended May 5, 1890; amended September 15, 1890; amended August 20, 1894; amended May 1, 1899.)

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor, Mich.:

SECTION 1. That the consent, permission and authority of the City of Ann Arbor is hereby given to the Ann Arbor Street Railway Company, a corporation legally organized under and by authority of the laws of the State of Michigan, to construct, own and maintain street passenger railways with single track, with all necessary tracks for turnouts, sidetracks, switches and turntables, and to run cars thereon for the transportation of passengers and their baggage and packages, through, along and upon the streets, avenues and highways of the said City of Ann Arbor hereinafter mentioned, and the same to keep, maintain and use, and to operate thereon street railway cars and carriages during all the time hereinafter

specified and limited, in the manner and upon the conditions set forth in this ordinance.

SEC. 2.* The streets, avenues and highways upon which said railways are to be constructed and operated are as follows:

Commencing at the south end of the Michigan Central railroad bridge on Detroit street; thence southwesterly on Detroit street to Catherine street; thence west on Catherine street to Main street; thence south on Main street to William street; thence east on William street to State street; thence north on State street to North University avenue; thence east on North University avenue to Washtenaw avenue; thence southeasterly on Washtenaw avenue to the city limits. Also from the intersection of Hill street and Washtenaw avenue westerly on Hill street about five hundred feet to Lincoln avenue, a proposed street on Olivia B. Hall's unrecorded plat of Hall's addition to the City of Ann Arbor. And upon securing the right of way of said Olivia B. Hall, thence along Lincoln avenue to Wells street; thence along Wells street to the main entrance of the fair grounds. Also commencing at the intersection of Main and William streets, thence south on Main street to Packard street; thence southeasterly on Packard street (sometimes called the south Ypsilanti road) to the city limits.

All of said railway shall be completed on or before October 1st, 1890, except that portion of the line extending from the intersection of Hill street and Washtenaw avenue east to the city limits, and that portion of the line extending south from William street upon Main and Packard streets to the city limits, which said last portions of said line shall be constructed as soon as necessary to make connection with the proposed Ann Arbor and Ypsilanti railroad, and on or before October 1, 1891.

* As amended by ordinance passed Sept. 15, 1890; approved Sept. 20, 1890.

SEC. 3.* That the said railway company shall give written notice of acceptance of this ordinance to the city clerk within ten days after its passage, accompanying said notice of acceptance by a deposit of a certified check for eight hundred dollars in addition to the two hundred dollars already deposited in one of the Ann Arbor city banks, which shall be forfeited to the city if work on said railway is not completed on or before September 1, 1890.

SEC. 4. The tracks of all railways constructed under this ordinance shall be laid on said streets in conformity with the direction of the city council and its civil engineer, and on such location along said streets as the said city council shall by its own act, or through their said engineer, prescribe. Before commencing to lay said track, said railway company shall notify said city council thereof. But if said common council shall fail or refuse to locate said railway in any of the streets, avenues and highways hereinbefore described, for thirty days after the written request by said company filed with the recorder of said city, then said location of said railway shall be laid in the center thereof.

SEC. 5. The gauge of the track shall be 4 feet 8½ inches, and the said city council shall have the general supervision and control of the construction of the tracks of said railroad. Said railroad company shall place no impediment to the ordinary use of the streets and avenues traversed by said tracks and place no obstructions to the free flow of water across or along the gutters in said streets and avenues and for such purposes said company shall construct bridges, culverts and passageways for water in such manner as to best accomplish the purposes aforesaid.

* As amended by ordinance passed May 5, 1890; approved May 8, 1890.

SEC. 6.* The tracks of said railway, and the rails laid thereon, shall be constructed of the best material in use, and such rails shall be approved by the common council before the same shall be laid in said streets, and the same shall be laid in such a manner as shall least obstruct the free passage of vehicles or carriages over the same, and shall be laid by the company to conform as nearly as possible to the established grade of said streets.

SEC. 7.† The cars used on said railway shall be drawn by animals or electricity only and at a speed not exceeding the rate of eight miles per hour, and shall be run as often as the city council shall prescribe: *Provided*, That cars shall not be required to run oftener than fifteen minutes between the hours of 6 a. m. and 8 p. m., daily, or oftener than every thirty minutes between the hours of 8 p. m. and 12 p. m., daily.

If electricity be used as a motive power, said company is authorized to erect and maintain all the necessary poles, arms and wires required for the full electrical equipment for the propulsion of their cars. Where practicable the poles of existing companies shall be used. Poles shall be either round or octagonal in shape as may be determined upon by the said street railway company, and be painted to correspond in color with the foliage of the shade trees.

All wires and overhead work shall be suspended not less than eighteen feet above the track. All material and work shall be of the best, and subject to the approval of the board of public works.

If propulsion by means of storage battery shall be generally adopted as electrical motive power for street car purposes in other cities the same shall be adopted by this company and the use of poles and wires dis-

* As amended by ordinance passed Sept. 6, 1889; approved Sept. 11, 1889.

† As amended by ordinance passed August 20, 1894; approved August 22, 1894.

pensed with. The cars in use on said railway shall be run for no other purpose than to transport passengers and their baggage and the cars and carriages for that purpose, shall be of the best style in use on such railways and properly warmed in cold weather by a modern heating apparatus: *Provided*, That other cars may be used for cleaning and repairing said railway. After sunset all cars while running shall be provided with suitable signal lights in both front and rear cars.

SEC. 8. The rate of fare for each passenger shall not exceed five cents the entire length of whole line of road or any part thereof: *Provided*, No [one] passenger shall ride over the same track twice without paying an additional fare; and for the carriage of packages and baggage of passengers such additional sum may be charged as may be justly proportionate to said price herein allowed for carriage of passengers themselves, except that ordinary hand satchels and hand packages not exceeding twenty-five pounds in weight shall be carried for passengers free of charge.

SEC. 9. No car shall be allowed to stop upon a crosswalk nor in front of any intersecting street, unless from unavoidable necessity, and no car shall be allowed to remain standing upon the line of said route for passengers or for any purpose so as to unreasonably impede the passing of other vehicles, and when the driver or conductor of any car is required to stop at the intersection of streets to receive or leave passengers, the car shall be stopped so as to leave the rear platform slightly over the crossing beyond the street crossed.

Cars driven in the same direction shall not approach nearer each other than fifty feet unless from unavoidable necessity.

SEC. 10. Said grantees, or their successors or assigns, are authorized to use on their cars the patent

cash box (so-called) for the reception of fares, and in case of the using of said patent cash boxes as afore-said, on any of their cars, to dispense with the employment of a conductor other than the driver on the cars upon which said patent cash boxes are used: *Provided*, That upon public occasions when the cars are crowded with passengers a conductor shall be provided for each car.

SEC. 11. The grantees, or their successors or assigns, shall employ careful, sober and prudent agents, conductors and drivers to take charge of their cars while on the road, and it shall be the duty of all such agents, conductors and drivers to keep vigilant watch for all teams, carriages, vehicles or persons on foot, and especially children, either upon the track or moving towards it. At the first appearance of danger to such team, carriage or vehicle, footman or children, or other obstruction the car shall be stopped in the shortest time and space possible, and the said company shall be liable for, and hold said City of Ann Arbor forever harmless from any and all damages which may occur to persons or property by reason of construction, use or management of said street railway. Drivers or conductors shall not allow ladies or children to enter or leave the cars while in motion.

SEC. 12. Any wilful violation of, or failure to comply with the provisions of this ordinance, by said railway company, or by any agent, conductor, driver or any person in the employ of said company, shall be punished by a fine not to exceed fifty dollars and costs; and the imposition of any such fine and costs, the court may make a further sentence that the offender be committed to the county jail or to the Detroit house of correction, until the payment thereof, for any period of time not exceeding three months.

SEC. 13. The said company shall be liable to said City of Ann Arbor for all costs and damages suffered

by or recovered against it, in consequence of any act, neglect or default of said company, its officers, agents or servants, or from a breach of said company, its officers, agents or servants, of any of the provisions of this ordinance; and the said company agrees to pay the same, and to secure the payment thereof the City of Ann Arbor shall have a lien upon the franchises and property of said company, and such lien is hereby created and given thereon to said City of Ann Arbor for the purpose aforesaid.

SEC. 14. The cars upon said railway shall always be entitled to the track, and the driver of any vehicle obstructing the same shall turn and leave the track free upon the approach of any car as soon as practicable, and so as not to impede the car, and any person who shall refuse so to do after having been notified by the driver or conductor by the ringing of the car bell, or otherwise, or who shall in any way unnecessarily obstruct, delay or interfere with or injure or destroy the track of said road, or the cars or other property of said company, shall, upon conviction thereof before any justice of the peace or other court having jurisdiction, be fined in any sum not exceeding twenty-five dollars.

SEC. 15. Wherever gaspipes, waterpipes, sewers, drains, gutters or cisterns are now laid in the streets herein specified and along which railways are to pass, the said railway must be laid down and maintained subject to the rights now in the said City of Ann Arbor to repair, take up or remove any such gaspipes, waterpipes, sewers, drains, gutters or cisterns without claim against said city. The same to be done in such manner as not unnecessarily to damage or injure said railways or their use, and the said City of Ann Arbor expressly reserves to itself the right to remove or obstruct, or authorize the same to be done, any portion of the said railway track wherever it shall be

necessary for public convenience in laying down or repairing waterpipes, gaspipes, sewers, drains, gutters or cisterns, or for any other work necessary to be done by said city for public or private convenience, and for such length of time as may be necessary therefor, without incurring any liability for damages to said company, not however, disturbing the running of cars where it can be reasonably avoided. The said city, gas and water companies or private individuals who shall take up pavement for the purpose aforesaid, being always required to restore the railway, pavement and street to its former condition as near as may be; and the said City of Ann Arbor further reserves to any person, persons, company or corporation any and all rights, privileges or franchises heretofore by said city given or granted to any such person, persons, company or corporation, or by them or either or any of them, from any other source lawfully obtained; none of which rights are to be impaired or affected by anything herein contained, and the rights and privileges hereby granted are subject thereto.

SEC. 16. The City of Ann Arbor shall not be liable in any way to said company for any damages it may sustain from the breaking or overflow of water from any sewer or drain, or the caving in of any cistern or breaking down of any bridge, or from the breaking of any waterpipe or gaspipe, or by reason of any changes in the grade of any of the streets of said village or city, or by reason of any other work or improvement necessary to be done by said city: *Provided*, That such city shall not be negligent in performing such work.

SEC. 17. The right is also hereby reserved to the city council of the City of Ann Arbor, to make such further rules, orders or regulations concerning the construction and operation of said railway as may from time to time be deemed necessary to protect the

interests, safety, welfare or accommodation of the public in relation to said railways.

SEC. 18.* The said railway company, and their successors and assigns, in case horses shall be permanently employed as a motive power, shall pave the surface of the streets inside the rails in a good and substantial manner when so directed by the common council, upon any part or the whole of said railway, conforming the grade thereof to the adjacent street. The said railway company shall not interfere with or disturb the surface of the streets outside of the limit above prescribed unless absolutely necessary in which event it shall at once restore the pavement and surface thus disturbed to as good condition as before.

SEC. 19.* The said railway company shall at all times keep the surface of the streets inside the rails clear of snow, ice and dirt, which may be spread evenly over the street through which said railway shall pass, which shall also be done in case of double tracks, side tracks, turnouts and switches.

SEC. 20. If the said company, its successors or assigns, shall at any time hereafter refuse, fail or neglect to comply with the provisions of this ordinance or any part thereof, all rights, privileges, interests, permission and authority hereby granted shall thenceforth cease and be forfeited, and the said City of Ann Arbor be entitled to take possession of the entire routes and streets over which the said railways may have been constructed.

SEC. 21. The powers and privileges conferred by the provisions of this ordinance shall be limited to thirty years from and after the date of its passage.

SEC. 22. Said grantees shall within ten days after the passage of this ordinance signify their acceptance

* As amended by ordinance passed Sept. 6, 1889; approved Sept. 11, 1889.

in writing of the rights and privileges hereby granted, and file the same with the city recorder.

SEC. 23. If the said grantees shall fail to complete the aforesaid railway within the time prescribed by this ordinance, then all the rights and privileges herein granted shall be forfeited, and the City of Ann Arbor shall be entitled to take possession thereof: *Provided*, The common council of the City of Ann Arbor does not extend the time: *And provided further*, That if the said grantees shall be delayed by the order or injunction of any court, or any officer thereof authorized to make or issue such order or injunction, then the time of such delay shall be excluded from the time of completion prescribed in this ordinance.

SEC. 24. The said Ann Arbor Railway Company shall be exempted from license tax for the term of ten years from and after the passage of this ordinance.

SEC. 25.* Any company or corporation operating a street railway under the power herein granted, shall at all times from the first day of April to the first day of November in each year cause that portion of all streets, over which its cars are operated, to be sprinkled with water between the rails and for ten feet on each side of the track to such an extent as to lay the dust, provided, that the said corporation shall be liable to the City of Ann Arbor in the penal sum of \$50 and cost of suit, for each day or part of day during the time aforesaid that said sprinkling shall be neglected, to be recovered in an action of assumpsit for money had and received in any court of competent jurisdiction.

This ordinance shall take effect in ten days after legal publication.

* As amended May 1, 1899.

**An Ordinance Relative to Street Railways, and Author-
izing the Ann Arbor Street Railway Company to
Extend Its Railway Lines.**

(Passed Nov. 6, 1893; approved Nov. 9, 1893.)

*The Common Council of the City of Ann Arbor Or-
dain:*

SECTION 1. The consent, permission and authority of the City of Ann Arbor is hereby granted to the Ann Arbor Street Railway Company and to its successors and assigns, to construct, own, maintain and operate additions and extensions to their present electric street railway system, on and along the streets and avenues hereinafter mentioned, with all necessary tracks, turn outs, side tracks, switches and turn tables, and to run cars thereon for the transportation of passengers and their baggage, and to operate thereon street railway cars under the conditions and in the manner limited in a certain ordinance passed in the common council on the 13th day of August, 1888, and the amendments thereto.

SEC. 2. The streets, avenues and highways upon, along and over which said additions and extensions of said street railway are to be constructed, maintained and operated are as follows, that is to say:

Commencing in North Main street at the north line of Ann street; thence north along North Main street to Depot street; thence east along Depot street to the intersection with its present line on Detroit street.

Also commencing at the intersection of its present track on Detroit street; thence easterly along Detroit street to Broadway; thence easterly along Broadway to the city limits.

Also commencing at the intersection with its present tracks at State and William streets; thence southerly along State street to Monroe street; thence easterly along Monroe street to East University avenue;

thence southerly along East University avenue to Hill street; thence easterly along Hill street to connect with its present line thereon.

Also commencing at the intersection with its present track in Wells street at the north entrance of the fair grounds; thence west along Wells street to Forest avenue, and southerly along Wells street to, and to connect with, its present track on Grove or Packard street.

SEC. 3. This franchise is granted upon the express condition that said street railway company, its successors and assigns, shall and will construct, maintain and operate its said additions and extensions in all things according to the provisions of and conditions contained in said railway company's original franchise and amendments thereto; and that said additions and extensions and every [one] of them shall be in all things constructed and in full operation within one year from the date of the passage of this ordinance; and that a failure to construct any or either of said additions and extensions in the time aforesaid or in the manner aforesaid shall operate to avoid this franchise relating thereto, without any notice or action taken on the part of the said, the City of Ann Arbor, or any officer thereof.

This ordinance shall take immediate effect and be in force after legal publication.

An Ordinance Relative to Street Railways.

(Passed Feb. 17, 1892; approved Feb. 18, 1892.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. That the consent, permission and authority of the City of Ann Arbor is hereby given to the Ann Arbor and Ypsilanti Street Railway Company, a corporation legally organized under and by

authority of the laws of the State of Michigan, to construct, operate and maintain a street passenger railway with single track, with all necessary tracks for turnouts and switches, and to run cars thereon for the transportation of passengers and their baggage and packages through, along and upon so much and no more, of Packard street, or the south Ypsilanti road so-called, as extends over and across the territory annexed to the City of Ann Arbor by the legislature of the State of Michigan during the regular session of 1891.

SEC. 2. The said Ann Arbor and Ypsilanti Railway Company shall construct the main track of their said road on the center line of said street and in such a manner as shall least obstruct the free passage of vehicles or carriages over the same, and the rails laid thereon shall conform as near as possible to the established grade of said street, or as shall from time to time be established or altered, and in case of grading or paving, if it be necessary to relay said rails to conform to the new grade or paving, the same shall be done at the expense of said company. And said main track, side track and turnout shall be constructed under the supervision and to the satisfaction of the board of public works.

SEC. 3. The power used to propel the cars used upon said road shall be animal, electrical or steam, and they shall not be propelled at a speed exceeding six miles per hour and shall be run as often as the city council shall prescribe.

SEC. 4. This ordinance shall take effect and be in force immediately after due publication.

An Ordinance Relative to Gas Works.

(Passed Sept. 2, 1889; approved Sept. 4, 1889.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. That the right and privilege of erecting and maintaining gas works within the city, and of laying and continuing, the gas pipes along and across any and all of the streets, sidewalks, lanes, alleys and public grounds in said city, and of manufacturing gas in said city for sale for lighting and fuel purposes, and of supplying said city and the buildings and streets therein with gas, be and is hereby granted to the Ann Arbor Gas Company, a corporation organized under the laws of the State of Michigan, its successors and assigns, upon the conditions and restrictions hereinafter mentioned, so long as said company shall continue to supply gas, and shall comply with the restrictions and conditions hereinafter mentioned, and not exceeding in all a period of ten years.

SEC. 2. This grant is made subject to the following restrictions and conditions, to wit:

First. That said company shall within thirty days make and file with the city clerk, to be recorded and preserved, a copy of the articles of association of said company, and a written assent by this company to the provisions of said ordinance.

Second. That said company shall supply and continue to supply all persons along the line of its main pipe, who may suitably supply their premises and buildings with service pipe and necessary fixtures and appurtenances, with gas; and all gas for lighting purposes so furnished by said company, shall be of a candle power of sixteen candles or over and shall be furnished at a rate not exceeding two dollars per thousand cubic feet for private consumers,

and to the corporation of the City of Ann Arbor at a rate not exceeding one dollar and fifty cents per thousand feet: *Provided*, That if the price of coal and oil shall advance to exceed twenty per cent over the present price, the price of gas may be advanced pro rata in the proportion that the cost of coal and oil enters into the cost of the manufacture of gas: *Provided further*, That the rate at which gas is furnished to private consumers shall not at any time exceed the average rate paid for gas by consumers in other cities of Michigan.

Third. Said company shall extend its existing mains whenever a sufficient number of persons residing on the line of the proposed extension shall agree to become consumers of gas to make such extension pay an interest of five per cent. on the investment necessary to make such extension.

Fourth. Said corporation shall do no permanent injury to, and shall take care not unnecessarily or unreasonably to obstruct any street, pavement, sidewalk, lane or alley; and when it shall open ground to lay pipe or for any other purpose whatever, it shall with all diligence restore the streets, pavements, sidewalks or grounds to a condition equally as good as before, and to the satisfaction of the board of public works, and shall promptly comply with any order or resolution of said board, or of the common council, in reference thereto. And it shall make application to the board of public works before extending its pipes through any of the streets, lanes, alleys or public grounds of said city, and shall lay its pipes, when making extensions, in such part of the street as the board of public works shall direct. And said company shall in all respects fully indemnify and save harmless the City of Ann Arbor from and against all damages or costs which the city may be put to or sustain by reason of any such digging or excavation.

SEC. 3. An ordinance entitled "An Ordinance Relative to Gas Works," passed April 2, 1858, is hereby repealed.

SEC. 4. This ordinance shall take effect in ten days after due publication.

An Ordinance Extending the Time of Operation of the Provisions of an Ordinance Entitled "An Ordinance Relative to Gas Works," Passed September 2, 1889, and Approved September 4, 1889.

(Passed April 5, 1893; approved April 12, 1893.)

The Common Council of the City of Ann Arbor. Ordain:

SECTION 1. That all the rights and privileges granted to the Ann Arbor Gas Company by an ordinance entitled "An Ordinance Relative to Gas Works," passed September 2, 1889, and approved September 4, 1889, and all of the provisions, conditions and restrictions of said ordinance be and are hereby extended for a period of thirty years, from and after the fourth day of September, A. D. 1889.

SEC. 2. Nothing in this ordinance contained shall be construed to prevent the common council from hereafter passing and causing to be enforced an ordinance providing for the inspection of gas meters and requiring said company, its successors and assigns, to pay the costs of such inspection whenever said company's meters shall be found to be defective.

This ordinance shall take immediate effect.

**An Ordinance Granting the Toledo, Ann Arbor and
Northern Railroad Company Certain Rights
and Privileges.**

(Passed April 17, 1872.)

WHEREAS, The Toledo, Ann Arbor and Northern Railroad Company, by its directors and attorney, has made application to the common council of the City of Ann Arbor, to grant to said railroad company the right to construct and maintain its road, for and during the term of the corporate existence of said company, upon and across any and each stream, water-course, street, lane, alley and highway which the route of the road of said company shall or does lie along or intersect within the limits of the City of Ann Arbor, as the same is now located or as the same shall be hereafter located, the route as so located heretofore south of Felch street, in said city, being designated on the map thereof certified by a majority of the board of directors of said company and filed in the office of the register of deeds of the county of Washtenaw in the State of Michigan, on the 12th day of April, A. D., 1872, and being also designated by a red line on the map or drawing annexed to said application, representing the center line of said road extending continuously across Hill street, Mosely street, Madison street, Main street, or Saline road, William street, First street, Liberty street, Washington street, Huron street, Ann street, Catherine street and Felch street, as shown by said map so filed and by said map so annexed to such application; and also upon and across such other streets, lanes and alleys as such company shall hereafter require for the route of said road through said City of Ann Arbor by a single continuous route not exceeding one hundred feet in width: *Provided, however,* That the route of said road through said city shall not be located or established in the First ward north of William street, or in the

Second ward east of Second street; such grant to be made on condition that said company or its successors shall within two years of the date hereof have constructed or caused to be constructed its road from Ann Arbor to the state line, between the State of Michigan and Ohio, or to the line of the road formerly known as the Michigan Southern and Northern Indiana Railroad, and upon the further condition that the grade of said railroad shall be on the grade of such streets so intersected by such railroad, or if not on the same grade of such streets that said company shall at its own expense provide and maintain suitable crossings for street passengers, horses and carriages on such streets over or under the track of said railroad, and such grant also to be made with the understanding that said company will adopt the usual and reasonable safeguards to avoid accidents and injuries to persons and property which may be lawfully on such streets, and that such company will do no unreasonable damage to such streets, and that such grant is applied for subject to whatever limitations or restrictions are imposed thereon by law; and,

WHEREAS, The said company has also made the further application to said common council for the grant to said company of the license and right to remove the earth and gravel within the limits of Felch street, between Spring street and First street, extending northward across Felch street, in said City of Ann Arbor, so as to reduce the grade and level of said Felch street, in said City of Ann Arbor, between those points of intersection, to a uniform grade not higher than the grade of such street at such intersection points and to use the surplus gravel, earth and stone so taken for the construction of said railroad as said company shall deem expedient; and,

WHEREAS, The said applications and propositions

of said company have been and are agreed to by the common council of said City of Ann Arbor; therefore,

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor in Common Council assembled:

That the said application of the said railroad company for the right to construct and maintain its said road as now located, or as the same may be located hereafter by a single continuous route for the term of the corporate existence of said company, subject to the conditions and limitations aforesaid, upon, across and along any and each stream, watercourse, street, lane, alley and highway which the route of the road of said company shall or does lie along or intersect within the limits of the City of Ann Arbor be and the same is hereby granted; and

Be it further Ordained by the Mayor, Recorder and Aldermen in Common Council assembled:

That the further application of said company for the right to remove and use the gravel, earth and stones from the part of Felch street above described, as above set forth, be and the same is hereby granted to said company.

An Ordinance Authorizing the Construction, Maintenance and Operation of an Electric Telephone Exchange Within the City of Ann Arbor.

(Passed May 3, 1897; approved May 7, 1897.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. That the New State Telephone Co., a corporation organized under the laws of the State of Michigan, be and hereby is licensed and given permission and authority to construct and maintain in the

City of Ann Arbor, an electric telephone exchange, and for this purpose to erect, maintain, operate and use in the public streets, avenues and alleys of said city, necessary poles, masts, wires and other apparatus, and to rent and collect rent therefor telephones, subject, however, to the conditions and limitations in this ordinance contained.

SEC. 2. All poles, masts and wires shall be placed and erected under the supervision of the Board of Public Works of the City of Ann Arbor, whose duty it shall be to see that such poles, masts and wires are erected and constructed and maintained in such manner as not to annoy or interfere unnecessarily with the owners or occupants of property in said city, or with shade trees, and in such manner as not to interfere with the traffic upon the streets, avenues and alleys of said city.

SEC. 3. Whenever said New State Telephone Company, or its successors or assigns, shall propose to enter upon any street, alley, or avenue, in said city for the purpose of erecting poles and masts therein, and stringing wires therein, it shall, five days previous to the delivery of any poles in said street, avenue or alley, and five days previous to the erection of any poles in, or masts, or the stringing of any wire in said street, avenue or alley, give notice to the Board of Public Works of its purpose and intention in this behalf; and the Board of Public Works shall have the right, and it shall be the duty of said Board, to prescribe such reasonable regulations and rules for the setting of any such posts, poles or masts and the stringing of wires in said street, avenue or alley, and concerning the digging up of said street, avenue or alley, and the restoring of the surface of the same, as it shall deem proper and necessary.

Such notice to the Board shall be in writing, and shall designate the street, avenue or alley proposed

to be entered upon and the distance therein by blocks that it is proposed to erect poles, masts or other electric apparatus, and as nearly as possible, the places in said streets, avenues, or alleys where it is proposed to set or erect posts, poles or masts.

The rules and regulations made by said Board concerning the erection of such poles, masts and wires, shall be by resolution entered upon its minutes.

SEC. 4. Wood or iron poles or masts may be used. If wood, the poles or masts shall be reasonably straight and shaved and painted the entire length thereof, and shall be set upright in the ground, and such as may be hereafter provided for by a general ordinance affecting all such poles or masts within the City of Ann Arbor. On all paved streets such poles, posts or masts shall be placed between the curb and the sidewalk, and upon all parked streets said poles, posts or masts shall be placed in line with the shade trees upon said parking, except where such position is occupied by poles not belonging to the New State Telephone Co.

All wires shall be strung at least twenty feet from the surface of the ground, except when entering buildings. Plant wires, insulators and all apparatus shall be modern and first-class in every respect. No wire or wires shall be attached to buildings except by consent of the owner.

SEC. 5. All poles, posts and masts erected under this ordinance shall be subject to, and this ordinance is granted expressly upon condition that the city may use the top twenty-four inches of any and all of said poles, posts or masts for the purpose of stringing thereon and supporting electric wires for fire alarm and police purposes, without charge to said city, and without compensation to said New State Telephone Co., or its successor or assigns, and said

New State Telephone Company shall leave the top twenty-four inches of each pole vacant.

Such use of said poles, posts or masts to be in all cases without interference with the carrying on of the business of said New State Telephone Company, or its assigns.

SEC. 6. The said New State Telephone Company and its successors and assigns shall at all times furnish to the City of Ann Arbor, free, and without cost to said city, ten telephones and ten other telephones at half the regular cost of same to said city for official use and fire protection, with the necessary and proper service, said telephones to be placed in such offices and places as the common council shall by resolution direct.

If more than said twenty telephones are required by the said City of Ann Arbor at any time, the price charged said city for any number of telephones in excess of twenty, shall be one-half the price fixed by this company for business places, and no more.

The said company is required to move any or all of said twenty telephones free, and without cost to said city, whenever required so to do by resolution of the common council: *Provided*, That if any or all of said twenty telephones shall be moved as aforesaid more than once in each year, the City of Ann Arbor shall pay to the New State Telephone Company the actual cost of removal.

SEC. 7. The maximum rates or rentals to be charged by said New State Telephone Company for its telephones, including all service except out of town messages, shall be:

For telephones used in business places, or offices, twenty-four dollars per annum; and for telephones used in residences eighteen dollars per annum. The rentals herein prescribed may be collected by said telephone company quarterly in advance.

SEC. 8. Said New State Telephone Company shall before beginning the construction and erection of its plant in the City of Ann Arbor, deposit with the city clerk of said city a bond in the sum of two thousand five hundred dollars, satisfactory to the common council conditioned to save said city harmless from any liability or expense of any nature for or on account of any claim or claims, suits or actions against said city growing out of, or based upon any carelessness or negligence of any of the officers, agents or employes of said New State Telephone Company in the erection or operation of its said plant, or exchange.

SEC. 9. The right is reserved to amend or alter this ordinance at any time and to make such other and further rules and regulations as public convenience or necessity may require concerning the extension, operation or construction of the plant and apparatus of the said New State Telephone Company, its successors or assigns, and if said New State Telephone Company shall at any time fail to comply with any of the conditions of this ordinance, or any reasonable and proper regulation made by the Board of Public Works, as provided in this ordinance, or shall at any time neglect or refuse to comply with any amendment to this ordinance or any further rule or regulation of the common council concerning the extension, operation or construction of the plant and apparatus of the said New State Telephone Company, the common council by a two-thirds vote of its members elect, may declare this ordinance to be void, and all rights of the said New State Telephone Company, its successors or assigns, to be forfeited; and may require the said New State Telephone Company, its successors and assigns, in a proper manner, to remove its poles, posts, and masts and wires, from any street, avenue or alley of the said city, and upon the failure of said company, after sixty days' notice, to so remove

any such poles, posts, masts or wires, upon the direction of the common council to remove the same at the expense of the said New State Telephone Company, its successors or assigns: *Provided*, That no regulation shall be made hereafter by the common council, or the Board of Public Works under this section, that does not also apply to all other telephone companies operating within the city limits.

SEC. 10. In case said New State Telephone Company should consolidate with any other person, company or corporation, then this franchise shall be and become null and void.

SEC. 11. Whenever the New State Telephone Company shall extend its lines to and open an exchange in the City of Ypsilanti, said company shall furnish communication between subscribers in Ann Arbor and subscribers in Ypsilanti without extra charge.

Whenever said company shall extend its lines to Detroit, it shall furnish communication between Ann Arbor and Detroit for ten cents for the privilege of talking over said line for a period of five minutes.

SEC. 12. This ordinance shall not become operative unless:

First. The New State Telephone Company shall within the same time, file with the common council of the City of Ann Arbor the acceptance of said New State Telephone Company of this ordinance, to be shown by resolution of its board of directors.

It shall within thirty days after two hundred and seventy-five subscribers have been secured, have provided material for, and begun the construction of a plant, poles, wires and other apparatus.

It shall at the time of filing its acceptance of this ordinance, as provided, also file with the common council the bond provided in Section 8 of this ordinance.

**An Ordinance Authorizing the Detroit, Ypsilanti and
Ann Arbor Railway Company to Construct and
Maintain a Street Railway in the City of
Ann Arbor, and Defining the Powers,
Privileges and Restrictions of
the Said Railway Company.**

(Passed March 23, 1898; approved March 30, 1898.)

*The Common Council of the City of Ann Arbor Or-
dain:*

SECTION 1. That consent, permission and authority be and is hereby given and granted to the Detroit, Ypsilanti and Ann Arbor Railway Co., a corporation organized and existing under the street railway laws of the State of Michigan, and to its successors and assigns, to construct, maintain, use and operate for the period of thirty years from and after the date of the approval of this ordinance, a street railway in, along and upon Ann street to Fourth avenue, in, along and upon said Fourth avenue to Huron, and in, along and upon said Huron street to Main street, it being the intention hereby to give to the grantee herein a right to form a loop around the court house in the City of Ann Arbor.

SEC. 2. The track of said railway shall be laid in the center of the aforementioned streets.

SEC. 3. An overhead electric trolley system, with tubular iron poles, which shall be kept painted by the grantee herein is hereby authorized to be used.

SEC. 4. The said The Detroit, Ypsilanti & Ann Arbor Railway shall have the right to maintain, use and operate the line of railway in connection with any and all of the lines of railway which it now owns, or may hereafter acquire, and may use said railway for any and all purposes allowed by the street railway laws of the State of Michigan.

SEC. 5. Any and all roads that may hereafter be built in and into the City of Ann Arbor shall have the right and privilege to use the streets herein named and the tracks of the grantee thereon upon the payment of car mileage for current and trackage to the grantee herein. And in case any persons, companies or corporations shall be unable to agree with the grantee herein upon said car mileage for current and trackage, the same shall be submitted to three arbitrators (no one of whom shall have been personally connected with the matter to which these presents refer) to be appointed as follows:

One by the grantee herein, and one by the company making the application, and the third by the two thus chosen; the decision of any two of whom shall be final and binding upon all parties concerned.

SEC. 6. If said streets, or any of them, shall be paved, the said corporation, its successors and assigns, shall pave, at its own expense, all that part of the street lying between the outer ends of the ties of said railway with the same material as the street is ordered paved with, and shall have the right to take up such part of the pavement of any of said streets as may be necessary to lay, repair, or relay its tracks, but replace the same in a proper and workmanlike manner.

The grantee herein shall use steel ties on concrete foundation, per city specifications, and grooved rails, and iron poles, as mentioned in section two, on all streets that may now or hereafter be ordered paved by the common council of the City of Ann Arbor.

SEC. 7. The grantee herein hereby agrees to furnish free transportation to all police officers and members of the fire and engineering departments of the City of Ann Arbor, while said persons are on duty; and also to letter carriers until such time as provision shall be made by the United States post-

office department to pay for the transportation of such letter carriers.

SEC. 8. This ordinance shall take effect and be in force immediately after due publication.

**An Ordinance, Granting to J. D. Hawks and S. F. Angus,
Their Heirs, Associates, Successors and Assigns,
Permission and Authority to Construct
and Maintain, Own and Operate, an
Electric Street Railway in the
City of Ann Arbor.**

(Passed December 21, 1900; approved December 22, 1900.)

*The Common Council of the City of Ann Arbor Or-
dain:*

SECTION 1. That J. D. Hawks and S. F. Angus, their heirs, associates, successors and assigns, or the corporation constructing and operating the street railway under this franchise, be and are hereby granted consent, permission, power and authority to construct, maintain and operate a street railway for the period of thirty years only, the motive power of which shall be compressed air, direct current system of electricity, multiphase or alternating current system of electricity, storage batteries, or other modern rapid motive power, excepting steam, at the option of said grantees, with, from time to time, the necessary switches, turnouts, poles, feeder wires and other wires and appliances to operate the same, through the City of Ann Arbor, and towards, or to, Jackson, upon and along the following streets in the City of Ann Arbor, namely:

Commencing on Main street at the intersection of the tracks of the Detroit, Ypsilanti & Ann Arbor Railway in the center of Huron street, thence west on Huron street and Jackson avenue to the westerly

city limits, crossing the tracks of the Ann Arbor Railway Company at grade, or in the event the said tracks of the said steam railway shall be raised and the grade separated thereat, then under the tracks of the said steam railway: In the event of the Railroad Commissioner's refusing consent to a grade crossing, and the non-separation of the grades of the grades thereat, then on an overhead bridge, such overhead bridge to be of modern design, of width and capacity sufficient to carry and accommodate the said electric railway, and also all public travel and traffic; such overhead bridge and the approaches thereto to be constructed on the grade, of the width, and according to a plan to be approved by the common council, and under the direction of the city engineer, or such other person, or persons, as the common council shall or may appoint; such overhead bridge, its approaches, the construction and maintenance thereof, and as well as all injury and damage occasioned thereby to adjoining property, or otherwise, to be without cost to the City of Ann Arbor.

Provided, That, and in the event of an application to the railroad crossing board for an adjudication directing the construction of such overhead bridge, the maintenance thereof, and the payment of damages occasioned thereby, and the distribution of the costs and expenses attending the same among the said grantees, the Ann Arbor Railroad Company and the City of Ann Arbor, then the said grantees shall, will and doth agree to pay all sums or sum of money which shall be in such proceedings charged, adjudged or awarded against the City of Ann Arbor.

Provided further, And before the work of construction of such overhead bridge shall be commenced, that said grantees shall and will adjust, settle and pay all damage to adjoining property, that if the property owner and said grantees shall not be able to agree on the question of just compensation, then such damages shall be adjusted by arbitrators, one

to be chosen by the said grantees, one by the property owner claiming damage, and the third by the two thus appointed.

Provided, however, and in the event of a failure to agree on such compensation and the failure or refusal of the land owner claiming damage, to appoint an arbitrator within a period of three days after notice, then such work of construction may proceed, and said damage shall be otherwise adjusted.

SEC. 2. The said street railway shall be constructed and consist of a standard gauge track with, from time to time, all necessary switches and turnouts, and, together with all of its cars, appliances and equipments, shall be constructed and maintained in the most approved modern manner and in all respects of first-class material, and so as to interfere and interrupt as little as possible the ordinary traffic on and along the said streets and highways.

SEC. 3. This grant is made upon the express condition that said proposed street railway be constructed, fully completed, and in operation, within one year from the date of the final passage and acceptance of this ordinance, and upon the further condition this ordinance shall be only on the condition that, within six months from the passage and acceptance thereof, the said grantees shall have fully completed at least ten miles of their proposed railway from Ann Arbor to Jackson, measuring from the westerly city limits, and in the event of a failure so to complete said street railway and to construct the said ten miles thereof, then this ordinance shall be in all things null and void.

This ordinance and franchise is granted upon the further condition that the said grantees do, within one year and three months after the passage of this ordinance, construct complete for operation, in connection with their said suburban railway line, a

branch therefrom to the village of Dexter, and to continuously thereafter operate the same in connection with their said railway;

Provided, however, and in the event of the construction of a direct electric railway line from the City of Ann Arbor to the village of Dexter, then the said grantees may have leave and be at liberty to abandon their said Dexter branch.

And this franchise is granted upon the further express condition that if the said grantees, their heirs, successors or assigns, shall sell, assign or consolidate, or attempt to sell, assign or consolidate the electric railway to be constructed under this franchise, with any steam railway; or if the said electric railway, so to be constructed, or the stock or bonds thereof, shall be purchased, or otherwise acquired, by any such steam railway, or by any director, or other principal officer, or other person acting in behalf of any such steam railway, this franchise shall from thence be null and void.

And upon the further condition, and the common council of the City of Ann Arbor shall have power and authority, by ordinance to require the said grantees, their successors and assigns, and the corporation operating the street railway under this franchise, to sprinkle, wet down, and lay the dust on all that part of every street occupied by their tracks, or upon which their said cars are run, and for a space or distance of two feet on either side of their said tracks, to the extent and so that the dust shall be at all times well and sufficiently laid. And the said common council shall have power and authority at all times to make such further rules, orders, ordinances or regulations, concerning the construction and operation of said street railway and cars as may, from time to time, be deemed necessary to protect the interests, safety and welfare of the inhabitants of the said city, and

to accommodate the public in its relations to the said railway system.

SEC. 4. The said grantees, their heirs, associates, successors and assigns, and the corporation operating the street railway under this franchise, shall have the right, privilege, power and authority, to carry passengers, baggage, express, United States mail, light and package freight, and shall carry passengers—that is to say, local passengers, meaning thereby all persons who shall or may apply for carriage and transportation within the corporate limits of the City of Ann Arbor over the said line of street railway, or any part thereof, for one continuous passage one way, for a single fare of five cents for each passenger.

That said grantees, their successors and assigns, shall continuously keep on every car devoted to passenger service a supply of tickets for sale at and for the price of twenty-five (25c) cents for six tickets, one of which tickets shall entitle any person to one continuous ride from and to any part of the city on and over said street railway, and each and every person so paying any such fare or delivering any such ticket shall on application be entitled to have and receive from the said grantees, their successors and assigns, a transfer ticket to the Detroit, Ypsilanti and Ann Arbor Street Railway or any other street railway constructed in the City of Ann Arbor, which on presentation to said Detroit, Ypsilanti and Ann Arbor Street Railway, or any other such railway, within two hours from the time of issue, shall entitle any such passenger to one continuous ride over the said Detroit, Ypsilanti and Ann Arbor Street Railway, or other street railway, to any part of the city; and the said grantees, their successors and assigns shall receive and accept in payment for single fares and continuous rides over the street railway constructed under this franchise, within the corporate limits of the

city, like transfer tickets issued and delivered by the Detroit, Ypsilanti and Ann Arbor Railway, its successors and assigns, or other street railway; and the said grantees shall make and maintain provision for the issue of such transfer tickets by the Detroit, Ypsilanti and Ann Arbor Street Railway, its successors and assigns, or other street railway. And shall carry and transport children under the age of five years, when accompanied by parent or guardian; and all the members of the Ann Arbor police force, fire department force and engineering force, when on duty, free.

The provisions of this section shall not apply to passengers or persons who begin and end their journey outside of the limits of the city of Ann Arbor, but shall be understood to apply strictly to local passenger traffic only, except that all persons who begin or end their journey within the corporate limits of the City of Ann Arbor, shall be entitled to receive, have and make use of such transfer tickets.

SEC. 5. This grant is made upon a further condition that all of the cars of said street railway shall at all times be propelled by electric power or such other rapid motive power, except steam, as the said grantees shall, or may, from time to time, deem expedient. The said cars shall be of modern type, and shall at all times be properly lighted and comfortably heated, and be propelled at a rate of speed not exceeding twelve miles per hour.

In the paved, or hereafter to be paved, portion of said streets, the poles erected by the said grantees shall be of iron; all other poles may be of well shaped cedar, and at all times maintained properly painted. All the rails of the said railway, and the said street railway, shall be of the kind known and called Girder Tram Rails, except in the streets or parts of streets which are now, or shall, or may be hereafter paved, or planked, and in all paved or planked streets the rails shall be of the kind known as the Grooved Girder

Rail, and not less than seven inches in depth; and the said grantees shall at all times keep and maintain the space between the rails of the said railway tracks in all unpaved streets properly filled with six inches crushed stone and macadam, well and sufficiently constructed, and suitably rolled, and for a distance of one and one-half feet either side of the said track, at all times well graded with good, clean gravel and so that the travel on the streets will be obstructed as little as possible. The tracks and other appliances shall be laid and constructed in a careful and prudent manner and by careful bonding and other approved methods, provide against electrolysis of gas, water and other pipes laid beneath the surface of the streets; and the said grantees, their successors and assigns, shall be liable for, and shall pay to any person, firm or corporation entitled thereto, any and all damage occasioned by electrolysis coming from the said electric railway construction or operation.

No cars shall be allowed to remain standing idle upon any street within the city limits, except by consent of the common council, nor shall any cars be permitted to stop on any crosswalk, or any other street crossing, except in case of accident, or to take on or discharge passengers, and then only without obstructing the crosswalks.

All the cars taken over said railway shall be in charge of sober, prudent and experienced employes, and it shall be the duty of every person in charge of any car to keep a vigilant watch or outlook for all teams, persons on foot and especially children, and all other obstructions, either upon the tracks, or moving towards it, and, at the first appearance of danger, the car shall be stopped in the shortest time and space possible; and all cars shall be provided with sufficient air brakes for that purpose.

The cars upon said railway shall always be entitled to the track, except as against the fire department,

when on duty, and buildings being moved under the direction of the common council; and the driver of any vehicle obstructing the same shall turn out and leave the track free upon the approach of any car, as soon as possible, and so as not to impede the car; and any person who shall refuse so to do, after having been warned by the motorman, or other person in charge of the car, by the ringing of the car bell, or otherwise, shall upon conviction thereof, before any court of competent jurisdiction, be fined in any sum not exceeding twenty-five (\$25.00) dollars, and the cost of prosecution, and the court, upon the imposition of any such fine, shall have the further power and authority to sentence any such offender to confinement in the county jail of the county of Washtenaw, until such fine and costs shall be paid, not exceeding thirty days.

SEC. 6. Whenever the common council of the city of Ann Arbor shall order any of the streets over which this franchise is granted, to be paved, repaved, or otherwise improved, or any part, or parts thereof, wherein the tracks of said street railway are laid, it shall be the duty of the said grantees, their associates, successors and assigns, and they shall, at their own cost and expense, grade, pave, repave, or otherwise improve all of the parts of the said streets which lie between the outer rails of their said track, and one foot six inches distance therefrom on the outer side thereof, and also the space lying between the main tracks, or track, and all side tracks, and all other places where there are side tracks, turnouts, or switches, with like kind of material, other than sheet asphalt, at the same time and in the same manner in which the other portions of said streets, or street, shall or may be paved, repaved, or otherwise improved, and if the said street railway shall be constructed in any street already paved, then said grantees shall pay to the city of Ann Arbor the cost of all material which

the said grantees would be required to furnish to pave any such street. If said grantees shall make use of the high tension system for providing current, the poles for its high tension feeders shall be erected on some convenient street other than Main street and Huron street, in the business portion of said city, which the common council shall designate; such designation to be made within fifteen days after notice; or the said grantees shall have power and authority to select such convenient street, or streets, for them.

SEC. 7. The tracks of the said railway shall be laid in the streets at the points and on the lines designated by the common council, and in the event that the said common council shall, for any reason, fail to make such designation within fifteen days after receiving notice from the said grantees so to do, then the same should be laid in and along the center of said street.

SEC. 8. The said grantees, their heirs, successors and assigns, or the corporation operating the street railway under this franchise, shall, after completing the construction of said street railway, restore the streets, and all portions thereof, occupied by said street railway, and maintain the same in as good condition as the same were at the time such railway construction shall commence, and the said street railway shall be in all things constructed and operated in such a manner so as to interfere as little as may be with public travel and traffic in and along the streets and avenues of the city of Ann Arbor.

SEC. 9. The said grantees, their heirs, successors and assigns shall, within ten days of the passage of this ordinance file with the city clerk, a written acceptance of the same and of all the terms and conditions thereof, and on failure so to do, this ordinance shall be no longer in force.

SEC. 10. This ordinance shall take effect and be in force from and after the expiration of ten days from the legal publication thereof, and after filing with the city clerk the written acceptance of the same, as above provided.

SEC. 11. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistencies, hereby repealed.

ACCEPTANCE.

Know all men by these presents, that we, J. D. Hawks and S. F. Angus, the persons named as grantees in a certain ordinance and franchise passed by the Common Council of the City of Ann Arbor, Michigan, on the 21st day of December, A. D. 1900, entitled "An Ordinance, granting to J. D. Hawks and S. F. Angus, their associates, successors and assigns, permission and authority to construct and maintain, own and operate an electric street railway in the City of Ann Arbor," granting a franchise to the undersigned for the construction of a street railway on Huron street and Jackson avenue from Main street to the westerly city limits, do, by this instrument, in consideration of the premises hereby accept the said ordinance and franchise, and doth hereby agree to perform, carry out and fulfill all and singular all terms and conditions thereof.

Witness our hands at Ann Arbor, Michigan, this 22nd day of December, A. D. 1900.

J. D. HAWKS,
S. F. ANGUS.

In the presence of
ARTHUR BROWN,
THOS. KEARNEY.

State of Michigan, }
County of Washtenaw, } ss.

On this 22nd day of December, A. D. 1900, before me, a Notary Public in and for said county, personally came J. D. Hawks and S. F. Angus, known to me to be the same persons described in and who executed the foregoing instrument, and severally acknowledge that they executed the same with the intent and purpose therein stated, and the execution of the same was their voluntary act and deed.

ARTHUR BROWN, Notary Public.

Acceptance filed December 24th, 1900.

**An Ordinance Relative to Changing the Course and
Grade of Certain Streets and Elevating the Tracks
of the Ann Arbor Railroad.**

(Passed October 1, 1902; approved October 6, 1902; amended
October 12, 1903.)

Whereas, The tracks of the Ann Arbor Railroad Company now cross Felch street, Miller avenue, Huron, Washington, Liberty and First streets at grade, and,

Whereas, It would make an easier grade out of the city, in both directions, and would conduce to the general public convenience and safety if the tracks of the said railway were elevated and viaducts provided for the several streets, and of such altitude as to enable the public travel on said streets to pass beneath; therefore, for the purpose of permitting a change of the grade line of the said Railroad Company's tracks in order to make possible the separation of the street and railroad grades:

The Common Council of the City of Ann Arbor Ordain:

SECTION 1.* That the established grade at the points of intersection of said railroad company's tracks on the following named streets be: At Summit street, 4.6 feet; at Liberty street, 8.1 feet; at First street, 4 feet above the grade line at the points at which the said railroad company's tracks cross said streets at their centers May 11, 1903. Also that the grade of Cedar and Wright streets be established at 2.2 feet; Pontiac street, 3.3 feet; and of Jones and Traver streets, 3.1 feet below the surface of said streets, as they were October 1, 1902, at the points where said railroad crosses said several streets.

Provided, That as soon as First street shall be diverted said railroad company shall complete the grade separation at Liberty street in accordance with

* As amended Oct. 12, 1903.

the terms of the ordinance granted to said company October 1, 1902, and approved October 6, 1902.

SEC. 2. That First street be diverted so as to intersect Liberty street west of the present right of way of said company. That Charles street be diverted so as to intersect Summit street west of the present right of way of said company upon and along the west side of said right of way.

SEC. 3. That the culvert under Ashley street, West Jefferson and West William streets be constructed parallel with, instead of under, the said railroad company's tracks.

Provided, That said railroad company will, without expense to the City of Ann Arbor, provide and maintain sufficient and suitable means of conducting the water so diverted from the east line of Ashley street to West William street.

SEC. 4.* That said railroad company shall, at its own expense, construct the necessary approaches on First and Liberty streets, and Summit street on both sides of said crossings, at a grade not exceeding six feet to the hundred, so graded as to make the same in every way suited for public travel, and to provide and maintain suitable and safe planking for said crossings.

SEC. 5.* That the preceding sections of this ordinance shall be null and void unless said Ann Arbor Railroad Company shall provide and place steel viaducts on suitable stone, cement, or iron abutments, at Felch street, Miller avenue, Huron and Washington streets, which shall extend the full width of said several streets, with the support at the curb lines, if desired, and shall carry all the tracks, both main and side tracks, over these streets, except as hereinafter provided, and shall give a clear minimum headroom

* As amended October 12, 1903.

above present surface, 12 feet at Felch street, 15 feet at Miller avenue, 14 feet at Huron street and 13 feet at Washington street.

Provided, That the said Ann Arbor Railroad shall have the right to cross Washington and Felch streets with one side track on the present grade of each and that during the hours when such side track is in use the said railroad company shall station and keep at said crossings a flagman.

That the elevation of said tracks shall be completed on or before October 1, 1904.

SEC. 6.* The acceptance of this ordinance by said railroad company shall be an agreement on the part of said company and said company thereby undertakes to do all said work provided for in Sections 1 and 2 of this ordinance at its own cost and expense; to indemnify and hold harmless the City of Ann Arbor from any and all costs and liabilities by reason of grade separation within said City of Ann Arbor; either to abutting property owners or others; to construct suitable sidewalks across said company's right of way on said streets and on either side of the approaches thereto; to do said work under the supervision and to the entire satisfaction of the City Engineer and Common Council of the City of Ann Arbor; and to keep and maintain said crossings and approaches thereto at all times in a suitable and safe condition for public travel.

SEC. 7. This ordinance shall take effect and be in force from and after the expiration of ten days from legal publication thereof and after filing with the city clerk the written acceptance of the same by said Ann Arbor Railroad Company.

SEC. 8. The ordinance passed March 31st, 1902, entitled, "An Ordinance relative to changing the course

* As amended October 12, 1903.

and grade of certain streets and elevating the tracks of the Ann Arbor Railroad, not having been accepted by the Ann Arbor Railroad Company, is hereby repealed.

An Ordinance Granting Permission to Chas. W. Wagner and Walter C. Mack, of Ann Arbor, to Construct, Operate and Maintain a Telephone Plant in the City of Ann Arbor.

(Passed June 2, 1902; approved June 10, 1902; acceptance filed June 10, 1902; amended April 9, 1903.)

It is hereby Ordained by the People of the City of Ann Arbor:

SECTION 1. Permission and authority is hereby granted to Charles W. Wagner and Walter C. Mack, of Ann Arbor, their successors and assigns, to enter upon the highways, streets, avenues, alleys and other public places, in said City of Ann Arbor, and to construct, maintain and erect in, along, over or under said streets, highways, avenues, alleys and other public places, posts, poles, wires, conduits, and other appurtenances and fixtures for electrical telephone purposes, subject to all general provisions of statute law, in force and applicable thereto, and to such regulations respecting such highways, streets, avenues and alleys as said Common Council may from time to time enact.

SEC. 2. Said Charles W. Wagner and Walter C. Mack, of Ann Arbor, their successors and assigns, are hereby granted the right to construct and maintain an electric telephone plant in said City of Ann Arbor, and to repair, enlarge and extend the same and carry on the business of telephoning and renting electric telephones or other devices for transmitting information.

SEC. 3. The word plant shall be deemed to in-

clude all property of every kind and description of said Charles W. Wagner and Walter C. Mack, their successors and assigns, used in or in connection with their business of furnishing electric telephones in said city.

SEC. 4. The life of this franchise, unless sooner terminated, by purchase by said city as herein provided, shall be thirty years.

SEC. 5.* No poles except necessary distribution poles in that portion of the city where there are no alleys to be used for that purpose, shall be erected upon the streets or such portions of them as are herein designated, to-wit:

Main street, between Catherine and William.

Fourth avenue, between Catherine and William.

Fifth avenue, between Catherine and William.

Division street, between Catherine and William.

Thompson street, between Liberty and William.

Maynard street, between Liberty and William.

State street, between Catherine and Monroe.

Ann street, between Ashley and State.

Huron street, between Ashley and State.

Washington street, between Ashley and State.

Liberty street, between Ashley and State.

Monroe street, between Packard and State.

William street, between Ashley and State.

North University avenue and Washtenaw avenue, from State to Hill.

But all wires of said telephone plant running along said portion of the streets above designated shall be placed in conduits.

Provided, That all such poles shall be placed under the direction of the common council, and in case the common council shall neglect to fix the place for such poles within fifteen days after application therefor, said Charles W. Wagner and Walter C. Mack or

* As amended April 9, 1903.

any company or corporation to whom this franchise may be assigned, may fix the location of such poles at such place within the curb line as they shall decide will conduce to the best service of the public.

SEC. 6. The said Charles W. Wagner and Walter C. Mack, their successors and assigns, shall not charge for the service paid quarterly in advance, to exceed \$24.00 per annum for the use of a telephone in a business place, and not to exceed \$18.00 per annum for the use of a telephone in a place used exclusively as a dwelling, when the subscriber or user shall enter into a written contract for the use of such telephone for three years or more.

When no such written contract is entered into, the charge for a business place shall not exceed \$26.00 per annum, and for a dwelling such charge shall not exceed \$20.00 per annum.

No telephone shall be required to be put in for less than the rental for one-quarter of a year: *Provided*, That for long distance telephones on full copper metallic circuits, additional rental charges can be made, not exceeding one dollar per month for each such telephone.

SEC. 7. The permission and authority hereby granted are subject to the following conditions:

In its use of the said streets, avenues, or alleys, the said Charles W. Wagner and Walter C. Mack shall be governed by all general city ordinances, applicable thereto, and the rules and regulations of the Board of Public Works of the said city, as to permits, expenses of inspection, repairs to pavements, side or crosswalks, etc.

SEC. 8. Before proceeding to place wires underground, as provided for in Section 4, the said Charles W. Wagner and Walter C. Mack, their successors and assigns, shall execute a bond to the City of Ann Arbor in the penal sum of five thousand dollars (\$5,000),

with the conditions that all the streets and alleys in which the wires of the said Charles W. Wagner and Walter C. Mack shall be laid, shall be restored and maintained for three years, in as good condition as they were at the time they were entered upon by the said Charles W. Wagner and Walter C. Mack.

Provided, That this shall not be construed as holding said Charles W. Wagner and Walter C. Mack liable for damages to said streets or alleys from other causes than the work of said Charles W. Wagner and Walter C. Mack, their agents, servants and employees.

SEC. 9. That said Charles W. Wagner and Walter C. Mack, their successors and assigns, shall have the privilege of renting the space in said conduit to any person, firm or corporation owning or operating wires in the City of Ann Arbor, at such prices as shall be agreed upon,

Provided, also, That such wires shall not be used for the transmission of electric currents stronger than that required for telephones.

The said City of Ann Arbor, however, shall have the right to the use of one duct in all conduits so laid, without cost or expense to said city, to use in maintaining fire alarm system in said city, or any other public purpose.

SEC. 10. The said Charles W. Wagner and Walter C. Mack, their successors and assigns, are to furnish the city twenty-two telephones as may be required for city purposes, free of charge, to be placed where directed by the common council, additional telephones for the city use to be furnished at regular rates, less 20 per cent discount.

SEC. 11. The said Charles W. Wagner and Walter C. Mack, their successors and assigns, may acquire the right to use the conduits of any other company, or of the city, provided terms can be agreed upon with such company or with the city.

SEC. 12. At the expiration of ten years after this ordinance takes effect, the city council of said City of Ann Arbor shall have the right and privilege to purchase the said telephone system herein provided for,

Provided, however, notice of its intention to do so shall be given to the then owners of said telephone system, by written notice given to the manager of said telephone system, at least six months prior to the expiration of said ten years.

A failure to give notice of its intention to purchase, as above provided, shall operate as a waiver of the right to purchase until the expiration of the next five (5) years succeeding, and each succeeding term of five (5) years thereafter.

Should the City of Ann Arbor at any time desire to purchase said plant, the said Charles W. Wagner and Walter C. Mack, and their successors and assigns, shall relinquish all their rights acquired by virtue of this ordinance, and transfer to said city all of said plant, upon said city paying to the then owners the actual value of said plant, which shall not be less than the actual cost of construction of such plant.

SEC. 13. If the said Charles W. Wagner and Walter C. Mack, their successors and assigns, shall at any time during the term of this franchise, transfer the rights hereby granted to them, to any other company or corporation, or make any consolidation, with any company or corporation, the company or corporation acquiring such rights, or the consolidated company, shall be subject to the terms and conditions of this ordinance.

SEC. 14. All the rights, liabilities and obligations herein granted, or imposed upon the said Charles W. Wagner and Walter C. Mack, shall apply to and be operative in favor of and against their successors and assigns.

SEC. 15. The construction of said plant shall be commenced within one year from the date of the acceptance of this ordinance, and shall be in operation within two years from the date of said acceptance. Unless the construction is commenced within the above limited time, the rights granted to them by this ordinance shall be forfeited.

SEC. 16. Neither this franchise, nor any of the rights and privileges thereunder, shall be sold, assigned or leased to any telephone company now located, or doing business in said city, so as to in any manner thereby prevent or remove legitimate competition.

SEC. 17. This ordinance is conditioned upon the acceptance thereof by said grantee or its (their) successors, within ten days from the passage thereof, and shall take effect as soon as accepted.

We hereby accept the foregoing ordinance.

Dated this 10th day of June, 1902.

CHAS. W. WAGNER,
WALTER C. MACK.

An Ordinance Authorizing the Construction by the Ann Arbor Railroad Company of a Side-Track Across Liberty Street.

(Passed May 21, 1906; approved May 23, 1906.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. That permission is hereby granted to the Ann Arbor Railroad Company to construct and maintain one sidetrack across Liberty street, on the present grade of said street, at a distance of not more than five feet from the main track of said company, for the accommodation of persons and corporations doing business adjacent to the tracks of said Railroad Company, *Provided*, however, that the said Rail-

road Company shall provide and maintain suitable planking for said crossing, and shall do the work of laying said side-track and constructing said crossing under the supervision and to the entire satisfaction of the City Engineer and the Board of Public Works of the City of Ann Arbor, and shall keep and maintain said crossing and the approaches thereto at all times in a suitable and safe condition for public travel.

And provided further, that during the hours when such side track is in use the said Railroad Company shall station and keep a flagman at said crossing for the protection of the public, and that no cars shall be allowed to stand on said side track within 100 feet of the north line of said Liberty street.

SEC. 2. This ordinance shall take effect and be in force from and after the expiration of ten days from the legal publication thereof and the filing of the written acceptance thereof by the Ann Arbor Railroad Company.

An Ordinance, Authorizing the Construction by the Ann Arbor Railroad Company of a Side-Track Across William Street.

(Passed August 6, 1906; approved August 7, 1906.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. That permission is hereby granted to the Ann Arbor Railroad Company to construct and maintain a side-track across William street on the present grade of said street at a distance of not more than five feet from the main track of said company, for the accommodation of persons and corporations doing business adjacent to the tracks of said railroad company, *Provided*, however, that the said railroad company shall provide and maintain suitable plank-

ing for said crossing, and shall do the work of laying said side-track and constructing said crossing under the supervision and to the entire satisfaction of the City Engineer and the Board of Public Works of the City of Ann Arbor, and shall keep and maintain said crossing and the approaches thereto at all times in a suitable and safe condition for public travel.

And provided further, that during the time when such side-track is in use the said railroad company shall station and keep a flagman at said crossing for the protection of the public, and that no cars shall be allowed to stand on said side-track within one hundred feet of the north line of said William street.

SEC. 2. This ordinance shall take effect and be in force from and after the expiration of ten days from the legal publication thereof and the filing of the written acceptance thereof by the Ann Arbor Railroad Company.

FIRES.

An Ordinance Relative to Fire Limits and Fires.

(Passed October 7, 1895; approved October 12, 1895; amended June 4, 1900; amended March 19, 1906; amended Dec. 3, 1906.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. *No person, firm or corporation shall hereafter place, enlarge, or erect any building or other structure on any lot or part of a lot fronting on any of the following streets or parts of streets, to wit: On Main street, between Kingsley and William streets; on Huron street, between First street and Fifth avenue; on Washington street, between the Ann Arbor railroad and Fifth avenue; on Liberty street, between the Ann Arbor railroad and Fifth avenue; on Catherine street, between Ashley street and Fifth

*As amended December 3, 1906.

avenue; on Ann street, between Ashley street and Fifth avenue; on Fourth avenue, between Kingsley and Liberty streets; on the west side of Fifth avenue, between Kingsley and Liberty streets; on Ashley street, between Catherine and William streets; on State street, between William and Huron streets; on William street, between State and Maynard streets; on Maynard street, between William and Liberty streets; on the south side of Liberty street, between Maynard and State streets; on Detroit street, between Fourth avenue and Depot street; on the block bounded as follows, to wit: on the north by Fuller street, on the south by Kingsley street, on the east by North State street, and on the west by Elizabeth street; and on North University avenue, between South State and South Thayer streets, in this city, unless such building or such other structure, shall be constructed of stone, reinforced concrete, brick or with party or fire walls of the same material.

Provided, That the board of fire commissioners may in its discretion grant permission for the erection within said limits of buildings or other structures veneered with brick or iron and for the erection of frame buildings, dwellings, barns and outhouses in and on all of that part of the above described district lying north of Catherine street, west of Ashley street, south of Liberty, and on State street between Liberty and Huron streets.

SEC. 2.* No person or persons, firm or corporation shall, within the said fire limits, erect, repair or rebuild any wooden building which has been partially destroyed by fire or any other cause; nor elevate from the ground or in any way increase the height of any wooden building within the said fire limits; nor erect or construct any kind of structure (including billboards) on the roof or walls of any building within

*As amended March 19, 1906.

said fire limits; nor remove any building or any part thereof from one lot to another, or from one part of a lot to another part thereof, without first obtaining the permission of the board of fire commissioners therefor. And for each and every week during which any building or structure placed, erected, enlarged, repaired, removed or elevated contrary to the provisions of this ordinance, shall be allowed to remain, the owner and every part owner of such building or structure may be complained of as for a distinct offense and punished as hereinafter provided.

SEC. 3.* No person, firm or corporation, shall erect or enlarge an attached or detached building or other structure within said fire limits without first making application in writing to the board of fire commissioners for permission therefor. Such application shall set forth the location and dimensions of the proposed building or other structure, the purpose for which it is intended, and the time to be occupied in its construction, with approximate date of completion; and in such application, the party making the same shall further agree to conform to all the regulations and ordinances of this city relative to fire protection. Upon receipt of such application the said board of fire commissioners shall, if they deem it proper to do so, issue a permit for the erection or enlargement of said building. It shall be the duty of the said board of fire commissioners to cause any building or other structure in course of erection or alteration under their permission, to be inspected from time to time by the chief of the fire department or some other competent person for the purpose of determining whether the regulations of this city with respect to fire protection are being satisfactorily observed. The said applicant shall, at the time of the filing of his application, pay to the city

*As amended March 19, 1906.

clerk, who is hereby authorized to receive the same and issue a receipt therefor in the name of the city, a fee to be determined in amount as follows: If the estimated cost of the building or alteration shall be less than one thousand dollars, one dollar; if more than one thousand dollars and less than five thousand dollars, two dollars; and for every additional thousand dollars, above five thousand, fifty cents. And the said city clerk shall report monthly to the common council all permits issued and shall pay all fees received under the provisions of this ordinance into the city treasury.

SEC. 4. No person, firm or corporation shall use or occupy any building within the limits of this city for the manufacture of turpentine, camphene, fireworks, nitroglycerine, or any other dangerous or easily inflammable or explosive substance; nor for the storage of gunpowder in larger quantities than twenty-five pounds, unless the said gunpowder shall be stored in a vault especially constructed for the purpose, in a location to be approved by the board of fire commissioners. The quantity of gunpowder, twenty-five pounds, permitted to be stored under this section shall be kept in metal canisters of a capacity not to exceed seven pounds each, with metal stoppers or covers. Nor shall any naptha, benzine, gasolene, kerosene or other like inflammable goods to an amount to exceed five gallons be kept within the limits of this city except in such place or places as may be approved by the board of fire commissioners and their permit issued therefor; and all such goods shall be kept in metallic vessels, securely closed, and away from matches, fire or any artificial light.

SEC. 5. No lighted candle or lamp shall be used about or carried into any stable, building or other place where hay, straw, hemp, cotton, flax, rushes, shavings, gunpowder or other extra-combustible, or

any explosive material, is stored or lodged, unless the same is well secured in a lantern. Nor shall any match be struck or lighted or be carried burning into or about any such place nor shall artificial light be used in and about vaults used for the storage of gunpowder in larger quantities than twenty-five pounds, or in or about buildings used for the storage of naphtha, benzine, gasoline, kerosene or other similar highly inflammable goods, in larger quantities than five gallons.

SEC. 6. No person shall carry any fire in or through any public streets, lanes, alleys or other public places of this city, or in or through any private lot or premises, unless the said fire shall be placed in a securely closed pan or vessel, but it is hereby permitted that any owner or occupant of residence or business premises in this city may collect leaves, rubbish, paper, pasteboard boxes, or store sweepings into small heaps in or near the gutter of any street adjacent to the premises owned or occupied by him or her, and may destroy the said articles by burning: *Provided*, That no such fire shall be started or permitted to burn before sunrise nor after 12 M. upon any day, or shall be so placed as to endanger any shade or ornamental tree standing in any street or other public place, or, so as to obstruct, hinder or prevent public travel: *And provided also*, That the permission herein granted for the building of fires in the public streets shall not in any way operate to relieve or discharge any person or persons from any liability to actions for damages or of any other kind which may accrue or be brought against him or them on account of the negligence or evil intent of the said person or persons. And after any fire shall have been built in the street the person or persons having the care of or responsible for the same, shall closely watch and guard the same and shall cause the same to be promptly ex-

tinguished at 12 M. and all ashes resulting from the same, together with all incombustible articles or substances remaining thereafter, to be promptly removed from the street. No fire shall be built under the permission herein granted, nor in any lot or private enclosure for similar purposes, unless the same shall be in charge of a person of mature years and discretion.

SEC. 7. Tinnerns, plumbers or other mechanics, whenever it may be necessary in the pursuit of their regular business, and for the construction or repair of houses, sidewalks, drains, sewers, pipe connections or other necessary repairs, alterations or improvements, are hereby permitted to make or kindle in any street, alley, lane or other public place in this city, or on any lot with the permission of the owner or occupant thereof, any fire necessary for the purposes of the said business. But the permission herein granted shall not operate to relieve or discharge any person from any liability he might otherwise incur from any negligence or evil intent in the care or control of the said fire, and any such person building any fire in any street, lane, alley or other public place in this city shall use all reasonable precautions to prevent any property from being endangered thereby.

SEC. 8. No ashes shall be kept or deposited within twenty feet of any building in any part of this city, unless the same be kept or deposited in a close iron, tin or earthen vessel, or brick or stone ash house thoroughly secured.

SEC. 9. Every public building or business block, more than one story in height, shall have a scuttle through the roof and a convenient stairway or permanent ladder leading thereto.

SEC. 10. Every chimney hereafter erected within the limits of this city shall have a flue at least eight inches square and be so constructed as to admit of being scraped, brushed or cleaned.

SEC. 11. No pipe of any stove, chimney or fire-place shall be put up or used, unless the same be conducted into a chimney of stone or brick; and in all cases where a stovepipe passes through the woodwork of a building, it shall be separated from such woodwork at least two inches, by a metal thimble with proper air passages.

SEC. 12. The chief of the fire department and the members of the board of fire commissioners are hereby severally given authority and it shall be their duty whenever they shall have good reason to believe that it is desirable to do so, to enter any building or enclosure in this city for the purpose of inspecting the same as to whether there exists any danger of fire: *Provided*, That the officer desiring to make the inspection shall first secure the permission of the owner or occupant of the premises therefor. And it shall be the duty of the said owner or occupant to permit the said chief of the fire department or member of the said board of fire commissioners to inspect the said premises immediately, and any person who shall refuse to permit such an inspection by the proper officer upon request, or who shall hinder or prevent such inspection shall be punished as hereinafter provided. A report in writing shall be made by the inspecting officer and signed by him, accompanied by any recommendations he may deem proper, and filed with the city clerk. Whenever as the result of any such inspection the board of fire commissioners shall deem it necessary that changes or repairs be made upon the said premises in order that the city shall be adequately protected from fire, they shall serve notice in writing upon the owner or occupant thereof, setting forth in the said notice the particular conditions upon the said premises regarded as the source of danger, and making such recommendations as they shall deem advisable as to the changes or repairs to be made. The said notice shall also prescribe the

time after service within which the said premises shall be made safe, or the said changes or repairs completed: *Provided*, That no time thus prescribed shall be less than twenty-four hours or more than thirty days. The said owner or occupant shall make the changes or repairs prescribed in the said notice, or such other alterations or improvements in the said premises, as shall be satisfactory to the said board of fire commissioners, within the prescribed time, on penalty of five dollars for each and every day that shall elapse after the expiration of the said time and before the completion of the said changes or repairs: *Provided*, That no such penalty shall exceed the sum of one hundred dollars. The chief of the fire department is hereby given authority and it shall be his duty to see that all chimneys, hearths, fire-places, fire-arches, furnaces, ovens, stove-pipes, boilers, steam-engines, gas and gasolene engines, or any other structure or apparatus that may be dangerous in causing or promoting fires, are constructed, placed or protected in such a manner as to secure the greatest possible safety. He may require the owner or occupant of any blacksmith shop, furnace, foundry or other manufactory, to erect, alter or reconstruct his smoke-stack or chimney so as to prevent the escape of sparks into the open air, and the said owner or occupant when so required either by the chief of the fire department or by the board of fire commissioners, shall proceed within forty-eight hours to make the said alteration or reconstruction.

SEC. 13. The board of fire commissioners are hereby given authority to cause any steam boiler set up and used in this city to be examined by a competent inspector, who shall receive a fee of not more than three dollars for each such inspection. The examination shall be in regard to the material and construction of the boiler and of the pipes, flues, tubes, valves and all attachments thereto and the workman-

ship thereof, and in regard to the settings in which the said boiler is placed. A report in writing shall be made of each such inspection signed by the person making the same, and filed with the city clerk. The said report shall set forth the particular boiler inspected by owner and location, the date of the inspection, and any defects whether of material, workmanship, construction or setting, found to exist in the said boiler, together with any recommendations that the said inspector may desire to make in the case. Whenever in the opinion of the inspector or of the board of fire commissioners any boiler is found to be so defective in any respect as to be in danger of exploding or of causing fires, the said board of fire commissioners shall cause a notice of that fact to be served upon the owner of the said boiler and also upon the person using the same or having the care, management or control thereof, and after such notice the said owner or other person in charge of the said boiler shall not operate or use the same until it shall have been properly repaired and a certificate to that effect issued by the said board of fire commissioners.

SEC. 14. The board of fire commissioners are hereby given authority to order the moving or removal of any electric light, telegraph or telephone wires or any other wires strung in or about this city and the streets thereof, whenever it shall appear to them that the said wires are so placed as to be liable to cause fires, or seriously to interfere with the proper protection of this city or any part thereof against fire. The owners of any such wires shall move or remove the same to conform to the orders of the said board of fire commissioners within twenty-four hours after notice in writing shall have been served upon the said owner, unless a longer time shall be prescribed in the said notice.

SEC. 15. It shall be the duty of the chief of the fire department to inspect from time to time during the progress of the work, all buildings which shall hereafter be constructed or repaired within the fire limits, and whenever the work upon any such building shall be completed, he is hereby authorized to issue to the owner or occupant of the premises, or to the person in charge of the said work of construction or repair, upon request, a certificate that the said building conforms to all of the requirements of this city in regard to fire protection. It is also hereby made the duty of the chief of the fire department to report promptly to the board of fire commissioners any and all violations of this ordinance that may come to his knowledge, and the said board of fire commissioners shall report the same to the common council.

SEC. 16. No person shall knowingly or wilfully raise or circulate a false alarm of fire, and no person shall refuse the right of way or in any manner interfere with or obstruct any fire apparatus, on its way to a fire, nor cross or run over any hose with any vehicle while the said hose shall be in use anywhere in this city by the fire department. No person shall wantonly or wilfully injure any house or building used as a place of deposit for any fire apparatus belonging to this city, or any apparatus therein contained.

SEC. 17. The chief of the fire department is hereby authorized to call upon any person to assist him in getting the apparatus of the department to any fire in this city, and to procure the use of other teams and wagons, and of other appliances than those belonging to the city, if necessary, for the said purpose. And the said chief of the fire department may, during the existence of any fire in this city, call upon bystanders to assist him in the labor of putting out the

same, and may detail persons to guard property that may require care and protection, and any person who shall refuse or neglect to comply with any reasonable request, or to obey any reasonable order or demand of the said chief of the fire department made under the authority herein granted and conferred, shall be punished as hereinafter provided.

SEC. 18. Any violation of or failure to comply with any of the provisions or requirements of this ordinance, or with any direction, notice, order or requirement given or made by the chief of the fire department, or board of fire commissioners under the authority of, or necessary to the discharge of the duties imposed upon them by this ordinance, or the charter of this city shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the Washtenaw county jail, city lock-up or in the Detroit house of correction, for a term not exceeding ninety days, or both, in the discretion of the court; and if only a fine and costs be imposed, the court may sentence the offender to imprisonment in said jail until the payment thereof, but for a term not exceeding ninety days.

This ordinance shall take effect and be in force ten days after legal publication.

An Ordinance to Regulate the Keeping and Storing of Inflammable and Explosive Goods, Oils and Fluids.

(Passed October 19, 1903; approved October 20, 1903.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. No person, persons or corporation shall have, keep or store within the limits of the City of Ann Arbor, any inflammable or explosive oils or fluids, to-wit: Crude or refined petroleum, kerosene, coal oil, earth or rock oil, gasoline, naptha, benzine,

benzole, camphene, or other like oils, fluids or substances, or the products, compounds or adulterations thereof, excepting as hereinafter provided.

SEC. 2. Refined petroleum, kerosene and other like oils and products thereof may be kept, if equal in quality to the standard provided by law, in metallic vessels to an extent not exceeding one hundred and sixty-five gallons, if in a secure place at least ten feet away from any fire or burning light.

SEC. 3. Gasoline, naphtha, benzine, benzole, camphene and other like fluids and substances, or the products and compounds thereof, may be kept in metallic vessels to any extent, not exceeding ten gallons, if in a secure place away from fire or burning light, or to any extent not exceeding five barrels of not more than fifty gallons each if in the first story of secure, detached and properly constructed and ventilated buildings, such as conform to the fire limits ordinance and are duly approved by the Board of Fire Commissioners, in metallic tanks at least two feet underground, and at least twenty feet away from any building, the location and construction of such tanks to be, however, first approved by the Board of Fire Commissioners. All cans, measures or other receptacles for holding or measuring gasoline shall be painted red. No person shall use any gasoline can, measure or other receptacle for the purpose of keeping, storing or measuring any other oil or inflammable liquid, nor shall any person keep, store or measure gasoline in any can, measure or receptacle other than those used exclusively for keeping, storing or measuring gasoline.

SEC. 4. Crude petroleum, refined petroleum or gasoline may be kept for the purpose of storage only, to an extent not exceeding two hundred and fifty barrels of fifty gallons each, for each tank, in metal tanks, the bottom of the tank to be placed not less

than two feet below the surface and at least one hundred yards away from any building, the location and construction of which tanks to be first subject to the approval of the Board of Fire Commissioners. No person, firm or corporation shall have, maintain or use more than four such tanks.

SEC. 5. Crude petroleum, when used for fuel purposes, may be stored in a quantity not to exceed two hundred and fifty barrels, if in an air-tight metallic tank, made of good boiler iron, and operated by hydraulic or pneumatic pressure supplied by iron piping, such tank and apparatus to be subject to the approval of the Board of Fire Commissioners: *Provided*, That no such tank shall be located in the same room with any fire or burning light, and it shall be the duty of the owner or person operating or using any such tank to have said hydraulic supply pipe provided with stop-cocks, located outside of the building, area, wall or inclosure containing such tank, and where such stop-cocks can be reached in case of an emergency.

SEC. 6. The buildings and premises referred to in the preceding sections and in which oil may be stored, shall be so arranged, constructed and guarded, that the oils, fluids or contents of barrels, tanks or other receptacles therein kept or stored, cannot run over or flow upon the adjoining premises or into any private or public drain or sewer.

SEC. 7. No person, firm or corporation shall bring within the limits of the city, or have in their or its possession, therein, any dynamite, nitroglycerine, giant powder, or any other high grade explosive of a similar kind. *Provided*, That any railroad company or companies, their officers, agents and employes may have in their possession and use any of the aforesaid explosives in the preparation for and in the construction of a railroad bridge within the limits of the City

of Ann Arbor and in the preparation and construction of the approach or approaches thereto.

SEC. 8. This ordinance shall not apply to the carrying and transportation under the utmost precautions of safety by or past the City of Ann Arbor of the oils, fluids or substances hereinbefore mentioned.

SEC. 9. Any person violating any of the provisions of this ordinance shall be punished by a fine not exceeding one hundred dollars (\$100) for each offense, and in imposing such fine the Court may make a further sentence that in default of the payment of such fine, the offender may be imprisoned in the common jail for the County of Washtenaw until the payment thereof, for any period not exceeding ninety days.

This ordinance shall take effect and be in force on and after ten days from legal publication.

POLICE AND GOOD ORDER.

An Ordinance Relative to the Police Force.

(Passed November 4, 1895; approved November 5, 1895.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. The regular police force of this city shall consist of the city marshal and four patrolmen or nightwatchmen to be appointed by the mayor: *Provided*, That the said number of patrolmen or nightwatchmen may be hereafter increased or diminished whenever the common council shall by resolution so direct.

SEC. 2. The mayor is hereby authorized to appoint special policemen or nightwatchmen who shall have all the powers and authority of members of the regular force, to serve without pay from the city, whenever he shall deem it advisable so to do; but whenever he shall make any appointments under the

authority herein granted or under the provisions of Section 108 of the charter of this city, he shall communicate the reasons for such appointments and the names of the appointees, to the common council at their next regular meeting thereafter. Special policemen serving without pay shall not be subject to the orders of the city marshal, but shall discharge their duties according to the police regulations of this city; and no such appointment shall be for a longer term than one year. Temporary policemen appointed under said Section 108 of the charter shall have all the powers and authority of members of the regular force, and be subject in the same manner to the direction of the city marshal.

SEC. 3. The city marshal shall make and file with the city clerk on or before the first Monday of each month, a report in writing showing the names of all regular or temporary policemen or nightwatchmen, subject to his orders, who have been on duty during the month, with the amount of time of service of each one. The said report shall also show the number of arrests made by the police force during the past month, with the causes therefor, the number of persons discharged without conviction, the number convicted and punished with the offenses charged, the number of persons remaining in confinement for breaches of the ordinances of the city, and the amount of all fines and fees collected. He shall also from time to time make such recommendations in writing to the council as he may desire for the improvement of the efficiency of the said police force. At the end of the fiscal year he shall make an annual report to the common council, showing the condition and requirements of the police force of this city, the total number of arrests made during the year with the offenses charged, the number of convictions, the number discharged, the total amount of money collected in fines and fees, and such other matters as he shall deem

important to bring to the attention of the said common council to secure the more efficient working of the police department.

SEC. 4. Whenever the city marshal or any patrolman, nightwatchman or temporary policeman of this city, shall find it necessary to have immediate assistance in order to discharge his duties in regard to preserving the public peace or protecting the person or property of any citizen, he is hereby given authority to call upon any bystander to assist him; and any person who shall neglect or refuse to give such aid and assistance when so requested, or any person who shall resist or in any manner interfere to hinder a policeman in the discharge of his duty, shall upon conviction thereof be punished by a fine not to exceed one hundred dollars, or by imprisonment in the Washenaw county jail, city lock-up or the Detroit house of correction for a term not to exceed ninety days.

SEC. 5. Policemen when on duty shall wear such uniform and insignia as the common council shall by resolution designate, unless detailed for some special duty by the mayor or city marshal.

SEC. 6. No patrolman or nightwatchman of the regular force shall absent himself from duty during the hours prescribed for him by the city marshal, nor shall one patrolman or nightwatchman be allowed to act as a substitute for another without the permission of the city marshal having been first obtained. Any member of the police force who shall disobey the requirements of this section shall be liable to a fine of ten dollars.

SEC. 7. It shall be the duty of all members of the police force to notify the fire department at once of the existence of any fire within the city limits either by turning in an alarm by telephone or by any practical means. Any member of the police force who

shall fail to perform the duty prescribed by this section shall be liable to a fine of ten dollars.

SEC. 8. The city marshal shall repair in person to all serious fires in this city, and shall take such measures as may be necessary to protect persons and property, and shall render such assistance to the chief of the fire department as that officer may require.

SEC. 9. It is hereby made the duty of the city marshal to notify the board of health promptly of the existence of any contagious, infectious or pestilential disease in this city or of any nuisances which in any manner may be detrimental to the public health; and he shall at all times aid the health officer in carrying out the orders and regulations of the board of health, made for the preservation of the public health in this city, and shall enforce all sanitary rules and regulations which may from time to time be passed by the common council.

SEC. 10. It is hereby made the duty of all members of the police force to report to the board of public works the existence in any street, alley or other public place of this city, of any condition of things obstructive or dangerous to public travel, by reason of any sidewalk being broken, obstructed, torn up or out of repair, or because of any washout in the streets or of any bridge, crosswalk or culvert being broken, injured or destroyed, or on account of any ditch or excavation in the street, or other obstruction being improperly protected; and the said policemen are hereby required to cause proper danger signals to be placed in the locality where the said danger or obstruction exists, with all reasonable dispatch. Any member of the police force who shall fail to perform his duty as prescribed in this section shall be liable to a fine of five dollars.

SEC. 11. It is hereby made the duty of all mem-

bers of the police force to take up and keep in some secure place, such as may be designated by the common council, any horses, cattle, sheep, swine or other similar animals, found running at large in any street, lane, alley or other public place of this city; and to take in charge and remove to some safe place, such as may be designated by the common council, any and all tables, boxes, benches, booths, tents, vehicles or other things used or attempted to be used by any person in making sales in any street, alley or other public place, or vacant lot, contrary to the provisions of the ordinances of this city relative to licenses.

SEC. 12. Whenever the city marshal, or any patrolman, special policeman, nightwatchman or temporary policeman of this city shall arrest any person or persons for violating any of the provisions of the ordinances of this city, the said person or persons shall, if practicable, be taken forthwith before one of the justices of the peace of this city for trial. Whenever it shall not be practicable to bring the said person or persons immediately before a justice of the peace, whether on account of the arrest having been made in the night time, or on Sunday, or on account of the intoxication or sickness of the said person or persons, or for any other good and sufficient reason, the said person or persons shall be lodged in the city lock-up or Washtenaw county jail, or shall remain in the custody of the city marshal, for such a length of time not to exceed forty-eight hours, as may be necessary: *Provided*, That the said person or persons shall be brought before a justice of the peace for trial at the earliest practicable opportunity.

SEC. 13. Every patrolman or nightwatchman of the regular force, or special or temporary policeman or nightwatchman shall report any and every arrest made by him, with the reason for the same, to the office of the city marshal, at the earliest possible

moment after the said arrest shall have been made.

SEC. 14. Any member of the police department who shall, while in the discharge of his duty, or in the attempt to save or rescue any person from impending danger or serious bodily harm, receive any injury which disables him from the performance of his duty, shall be entitled to full pay during the continuance of such disability, for a period not to exceed one year. This rule shall not apply to any injury received by reason of needless exposure, wanton carelessness or accident, but only to injuries received while engaged in the proper and zealous discharge of duty, or from extraordinary risks taken to save others from serious bodily harm.

SEC. 15. If any member of the regular police force or any special or temporary policeman or nightwatchman, shall violate any of the provisions of this ordinance, or if he shall be negligent in the discharge of his duties, or guilty of any disreputable or immoral conduct, unbecoming an officer of the force, it shall be ground for his removal from office and discharge.

This ordinance shall take effect and be in force after ten days from legal publication.

An Ordinance Relative to Disorderly Persons and Conduct.

(Passed October 7, 1895; approved October 12, 1895; amended March 4, 1901.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. All able-bodied persons who, not having any visible means of support, are found loitering or rambling about, or lodging or loitering in drinking saloons, tippling houses, beer houses, houses of ill fame, houses of bad repute, sheds or barns, or in the open air, and not giving a good account of themselves;

all keepers or exhibitors of any gaming table or device, and all persons who for the purpose of gaming, travel or go from place to place; and all persons upon whom shall be found any instrument or thing used for the commission of burglary, larceny, or for picking locks or pockets, or anything used for obtaining money under false pretenses and who cannot give a good account for their possession of the same; and all fortune-tellers shall be deemed disorderly persons and on conviction thereof shall be punished as herein-after provided.

SEC. 2. Any person or persons gaming for money, cigars, drinks or other property or thing with cards, dice, billiards, nine or ten pin alleys, wheels of fortune, tables, ball alleys, boxes, machines, or other instruments or devices of any kind, in any store, shop, saloon, room, street, alley, or any other public or private place in said city, and any person or persons permitting any game to be played for money, cigars, drinks or other property or thing, in any building or room owned, occupied or controlled by him, her or them, shall be deemed disorderly persons and shall be punished as hereinafter provided.

SEC. 3. Any article, machine, apparatus, furniture, instrument or device, kept for the purpose of gaming for money, cigars, drinks, or other property or thing, shall, upon the conviction of the person or persons keeping the same, be destroyed by the city marshal, upon the order of the justice of the peace before whom conviction was had.

SEC. 4. Any person or persons who shall make or assist in making any noise, disturbance or improper diversion, or any rout or riot, or ring or sound any gong, by which the peace and good order of the neighborhood are disturbed, or shall be guilty of disorderly conduct, or shall during the night time remove any box or boxes, barrel or barrels, wood, lumber, stones

or any other thing not his own, from any of the sidewalks, yards or buildings into any street, lane, alley or other public place of said city, or upon the premises of any other person, shall be deemed and are hereby declared to be disorderly persons and upon conviction thereof shall be punished as hereinafter provided.

SEC. 5. Any person who shall be guilty of using indecent or immoral language, or be guilty of any indecent or immoral conduct or behavior, in any public building, street, alley, lane or other public place in this city, shall be punished as hereinafter provided.

SEC. 6. Any person who, within the limits of this city, wanders about and begs in the streets, or from house to house, or sits, stands or takes a position in any place and begs from passers-by, either by words, gestures, or by the exhibiting of a sign, shall be deemed a beggar; and every person who wanders about and lodges in out-houses, barns, market places or in the public buildings or places, or in the open air, in this city, and has no permanent place of abode or visible means of maintenance, shall be deemed a vagrant. Any person convicted of being a beggar or vagrant within the meaning of this section shall be punished as hereinafter provided.

SEC. 7. Any person or persons who shall, by talking, laughing, boisterous conduct or in any other manner interrupt the services in any place of divine worship, or who shall by noise or any other manner disturb any public or private meeting or entertainment lawfully convened or assembled within the limits of this city, shall upon conviction be punished as hereinafter provided.

SEC. 8. Any person or persons who shall collect, stand in crowds, or remain loitering on the sidewalks, or at the corners of streets, so as to impede the passage of pedestrians, or in any public building or in

front of any church, public hall or place of worship during service or the gathering or departure of the congregation, upon conviction thereof shall be punished as hereinafter provided.

SEC. 9. Any person who shall make any indecent exposure of his or her person in any street, alley, lane or other public place of this city, or upon any private lot or premises of another, or who shall expose his or her naked body, by bathing in any stream, lake, pond, mill-race, river or other public or private water course within the limits of this city, between the hour of sunrise in the morning and eight o'clock in the evening, shall on conviction be punished as hereinafter provided.

SEC. 10. No person, firm or corporation shall within the limits of this city, print, publish, sell, offer for sale, circulate or distribute any book, pamphlet, ballad, printed paper, or other written or printed article, containing obscene, indecent, or scandalous language, or obscene picture, photograph, drawing, engraving, print, figure or description, or articles or advertisements of a scandalous, indecent or immoral nature; and no person shall have in his possession any such book, pamphlet, ballad, printed paper, picture, photograph, engraving, print, figure, description, article or advertisement for the purpose of sale, loan, exhibition or circulation within the limits of this city. Any violation of the provisions of this section shall be punished as hereinafter provided.

SEC. 11. All vagrants, eaves-droppers, lewd, idle or disorderly persons, any person intoxicated or drunk with liquors of any kind, common night walkers, persons who stand at the eaves or look into the windows of dwelling houses, all pilferers or persons wanton, lascivious, obscene or vulgar of speech, conduct or behavior, common railers or brawlers, any and every person quarreling or inciting others to

fight or quarrel, within the limits of this city, shall be deemed and are hereby declared to be disorderly persons, and on conviction thereof shall be punished as hereinafter provided.

SEC. 12. Any person found lying in wait, lurking or concealed in any house, shed or other building, or in any yard or on any premises in this city, with intent to do any mischief, or commit any crime or misdemeanor whatsoever, shall on conviction thereof be punished as hereinafter provided; and in addition to such penalty may be held to bail for good behavior in the sum of one hundred dollars, and for the term of six months, with one or more sufficient sureties as the court may order.

SEC. 13.* It shall be unlawful for any person under the age of sixteen years to wander or loiter in or about any street, alley or public place within the corporate limits of the city of Ann Arbor after the hour of eight o'clock p. m. and all persons under the age of sixteen years found loitering, wandering or rambling in any street, alley or public place or who shall or do congregate for any idle purpose or conversation in any such street, alley or public place after the hour of eight o'clock p. m. shall be deemed and are declared to be disorderly persons and on conviction shall be punished as hereinafter provided. Every person and all persons under the age of sixteen years, who shall or do congregate together to the number of three or upwards for any idle purpose in any street, alley, public building or place within the corporate limits of the City of Ann Arbor after the hour of eight o'clock p. m. and who shall not immediately disperse and depart to their respective homes or lodging places on the command, order or request of the marshal, or any policeman, shall be deemed and declared disorderly persons and guilty of disorderly

* As amended March 4, 1901.

conduct and on conviction shall be punished as herein-after provided.

SEC. 14. Any person convicted of the violation of any of the provisions of this ordinance shall be punished by a fine not to exceed fifty dollars and the costs of prosecution; and in imposing any such fine and costs the court may make the further sentence that the offender be imprisoned in the common jail of the county of Washtenaw, or city lockup, until the payment thereof: *Provided*, That no such term or imprisonment shall exceed the period of sixty days.

This ordinance shall take effect and be in force on and after ten days from legal publication.

An Ordinance Relative to Disorderly Houses.

(Passed March 6, 1893; approved March 11, 1893.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. No person or persons shall keep, maintain, carry on, frequent, live in or be an inmate of any house of ill-fame, assignation, or house for the resort of prostitutes or other disorderly house, in, or within the limits of the city of Ann Arbor. Nor shall any person keep, carry on or maintain, within the limits of said city, a disorderly house, saloon, bar-room, tavern, beer hall, grocery, theatre, room, ordinary, house or building of any kind, for gaming with cards, billiards, nine or ten pin alley, wheels of fortune, boxes, machines or other instruments or devices whatever, or shall in any manner assist in the carrying on or keeping (of) any such disorderly house or place.

SEC. 2. No person shall knowingly let or lease any house, saloon, bar-room, tavern, theatre, store, room or building of any kind to be used as a house of ill-fame, house of assignation, place for the resort of

common prostitutes or disorderly characters, or for the purpose of gambling for money or other property; or knowing his or her house, building or place to be so used, shall permit its further use for any such purpose.

SEC. 3. No person shall keep, carry on or maintain or aid in keeping, carrying on or maintaining any lottery, policy, pool, bucket shop, board of trade or any like scheme or place for drawing or disposing of money, wheat or other property within the city.

SEC. 4. Any person violating any provision of this ordinance shall, on conviction thereof, be punished by a fine not exceeding one hundred dollars and costs of prosecution; and in imposing of any such fine and costs, the court may make the further sentence that the offender be imprisoned in the common jail of the county of Washtenaw until the payment thereof, not to exceed the period of thirty days.

This ordinance shall take effect and be in force on and after the 1st day of April, A. D. 1893.

An Ordinance Relative to Getting Off or On Railway Cars when in Motion.

(Passed December 4, 1876.)

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor:

SECTION 1. It shall not be lawful for any person within the corporate limits of the city of Ann Arbor to step, drop, or jump from any train of railway cars when in motion, nor to get on the same when in motion; and any person who shall violate the provisions of this ordinance shall be punished by a fine not exceeding five dollars, or by imprisonment in the Washtenaw county jail, not exceeding three days, in the discretion of the justice trying the offender: *Pro-*

vided, That this ordinance shall not apply to persons in the employ of any railway company.

SEC. 2. This ordinance shall take effect from and after legal publication.

An Ordinance Relative to the Court House Square.

(Passed August 5, 1884.)

*Be it Ordained by the Mayor, Recorder and Aldermen
of the City of Ann Arbor:*

SECTION 1. No person or persons shall stand, walk, sit, lie or lounge upon the lawn or grass plats in the court house square in the City of Ann Arbor.

SEC. 2. The provisions of this ordinance shall not apply to the janitor of the court house or to any person or persons necessarily engaged in supplying the said court house with fuel or other materials.

SEC. 3. Any person or persons who shall violate the provisions of this ordinance shall be punished by a fine of not less than five dollars and not exceeding twenty-five dollars and costs, to be recovered before any justice of the peace of said city, and in the imposition of any such fine and costs the said justice may make a further sentence, that in default of payment thereof within the time fixed in such sentence, the offender be committed to the Washtenaw county jail for a period of time not exceeding sixty days.

SEC. 4. It shall be the duty of the marshal of said city to enforce the provisions of this ordinance and make complaint against all violators thereof.

SEC. 5. This ordinance shall take effect from and after due publication.

An Ordinance Relative to Trespassers.

(Passed June 19, 1893; approved June 21, 1893.)

The Common Council of the City of Ann Arbor ordain:

SEC. 1. It shall not be lawful for any person to go upon the lands of another or upon the right of way of any railroad company, or to climb, stand in or upon any shade, ornamental or other tree, situated, being or standing within the limits of the City of Ann Arbor, for the purpose of witnessing or looking at any football game, baseball game or other athletic sports or games whatsoever, or any fair, show or other entertainment whatsoever, without the consent and permission of the owner or occupant of such lands, right of way or the owner or proprietor of any such shade or ornamental tree.

SEC. 2. Any person violating the provisions of this ordinance shall on conviction thereof, be punished by a fine of not more than twenty dollars and costs, and in the imposition of any such fine, the court shall have power to make a further sentence, that such convicted person shall be committed to and be confined in the common jail of the County of Washtenaw, until such fine and costs shall be paid, but any such imprisonment shall not exceed twenty days.

This ordinance shall take effect and be in force from and after the 5th day of July, A. D. 1893.

An Ordinance to Prohibit the Firing of Fire-Arms Within the Limits of the City of Ann Arbor.

(Passed December 21, 1896; approved December 22, 1896.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. That it shall be unlawful for any person to fire any revolver, pistol, gun, cannon, or any

other species of fire arms within the limits of the City of Ann Arbor, excepting by the written permission of the mayor, which permission shall limit the time of such firing, and shall be subject to be revoked at any time by the common council.

SEC. 2. Any person who shall be found guilty of violating this ordinance shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the Detroit house of correction, the city lock-up, or the Washtenaw county jail, for a period of time not exceeding ninety days, or both such fine and imprisonment in the discretion of the court.

This ordinance shall take effect and be in force on and after ten days from legal publication.

**An Ordinance Relative to the Closing of Saloons, Bars
in Restaurants, and Elsewhere.**

(Passed May 3, 1897; approved May 6, 1897.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. All saloons, bars in restaurants and elsewhere, and all other places within the City of Ann Arbor where spirituous, malt, brewed, fermented or vinous liquors are sold, or kept for sale, may be and remain open, and permission is hereby granted to all such places of business to be and remain open from six o'clock a. m. until the hour of ten o'clock of each week day, on which the sale of such spirituous, malt, brewed, or fermented liquors is permitted by the laws of this state.

SEC. 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

This ordinance shall take immediate effect.

**An Ordinance to Provide for the Regulation of Saloons
and All Places Except Drug Stores where Spirit-
ous, Malt, Brewed, Fermented, Vinous or
Intoxicating Liquors are Sold, or kept
for Sale at Wholesale or Retail.**

(Passed June 16, 1902; approved June 25, 1902.)

*The Common Council of the City of Ann Arbor or-
dain:*

SECTION 1. No person shall keep a saloon or other place except a drug store, where any spirituous, malt, brewed, fermented, vinous, or intoxicating liquors are sold, or kept for sale, at wholesale, or retail, in that part of the City of Ann Arbor bounded on the west by Division street, thence northeasterly on Detroit street to Fuller street, thence easterly along Fuller street to the city limits.

SEC. 2. Any person who shall be found guilty of violating any of the provisions of this ordinance shall be punished by a fine of not more than one hundred dollars (\$100) or by imprisonment in the Detroit house of correction, the city lock-up or the Washtenaw county jail, for a period of time not to exceed ninety (90) days; or by both such fine and imprisonment in the discretion of the court.

This ordinance shall take effect and be in force on and after ten (10) days from legal publication.

**An Ordinance Relative to Distributing Advertising
Packages.**

(Passed December 1, 1902; approved December 8, 1902.)

*The Common Council of the City of Ann Arbor or-
dain:*

SECTION 1. That it shall be unlawful for any person, firm or corporation to distribute along any street, alley or public grounds, or in any private yard or enclosure, or in any house, or upon the porches, stoops

or verandas of any building or house, or in any other place in the City of Ann Arbor, any sample package, or other package, of medicine, or medical compound or prescription, or any package or packages of food, or formula, or material for preparing foods, victuals or drink.

SEC. 2. Any person violating any of the provisions of Section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined in any sum not less than five dollars nor more than fifty dollars, or imprisonment in the county jail not less than ten nor more than sixty days, or by both such fine and imprisonment in the discretion of the court.

This ordinance shall take effect and be in force on and after ten days from legal publication.

An Ordinance Prohibiting the Firing, or Setting Off, and the Sale or Offering for Sale of Toy Pistols, Dynamite Firecrackers, Cannon Firecrackers, Dynamite Torpedoes, or any other Fireworks, Containing Dynamite, Giant Powder, or any other Higher Explosive than Ordinary Gunpowder.

(Passed October 9, 1905; approved October 10, 1905.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. No person shall fire or set off within the limits of the City of Ann Arbor any toy cannon or pistol, dynamite firecracker, cannon firecracker, dynamite torpedoes, or any other fireworks containing dynamite, giant powder, or any other higher explosive than ordinary gunpowder; nor throw, or place, any fireworks, of any kind, on the tracks of the street railway to be set off either by concussion or by the passing of the street cars over said tracks.

SEC. 2. No person, firm or corporation shall sell, or offer for sale, within the limits of the City of Ann Arbor, any dynamite firecrackers, cannon firecrackers, dynamite torpedoes, or any other fireworks containing dynamite, giant powder or any other higher explosive than ordinary gunpowder; or any toy cannon, toy pistol intended for the firing of blank cartridges, or any blank cartridges or caps intended for use in such pistols.

SEC. 3. Any person violating any of the provisions of this ordinance, shall upon conviction thereof, be punished by a fine not exceeding one hundred dollars (\$100) and the costs of prosecution; and in imposing any such fine and costs, the court may make the further sentence that the offender be imprisoned in the county jail of the County of Washtenaw, until such fine and costs shall be paid, but any such imprisonment shall not exceed twenty (20) days.

This ordinance shall take effect and be in force on and after ten days from legal publication.

**An Ordinance for the Protection of Squirrels and Birds
Within the Limits of the City of Ann Arbor.**

(Passed September 3, 1894; approved September 8, 1894.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. It shall be unlawful for any person to shoot, kill, cripple, hunt, chase or in any way injure any squirrel or squirrels within the limits of the City of Ann Arbor.

SEC. 2. It shall be unlawful for any person to shoot, kill, cripple, hunt or in any way injure any wild birds within the limits of the City of Ann Arbor: *Provided*, This section shall not apply to English sparrows, crows or hawks.

SEC. 3. It shall be unlawful for any person to rob or tear down, injure or destroy the nest of any wild bird within the limits of the City of Ann Arbor: *Provided*, This section does not apply to English sparrows' nests.

SEC. 4. Each and every bird or squirrel shot, killed, crippled, hunted, chased or injured, and each and every bird's nest robbed, torn down, injured or destroyed, in violation of any provision of this ordinance shall constitute a separate and distinct offense.

SEC. 5. Any person violating any of the provisions of this ordinance shall, on conviction thereof, be punished by a fine not exceeding twenty-five dollars and costs of prosecution; and in the imposition of any such fine and costs the court may impose the further sentence that the offender be and remain imprisoned in the common jail of Washtenaw county until such fine and costs shall have been paid: *Provided*, the term of such imprisonment shall not exceed the period of thirty days.

SEC. 6. This ordinance shall take effect and be in force from and after the twentieth day of September, A. D. 1894.

An Ordinance to Restrain and Regulate the Running at Large of Domesticated Rabbits, Hares or Chickens, Ducks, Geese or other Poultry.

(Passed August 20, 1906; approved August 21, 1906.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. It shall be unlawful for any person or persons being the owner or owners, possessor or possessors, or person or persons having in charge or care any domesticated rabbits, hares or chickens, ducks, geese or other poultry to permit or allow any of the

same to go at large at any time within the limits of said city, to the damage or annoyance of any of its inhabitants.

SEC. 2. All persons convicted of the violation of the provisions of this ordinance shall be punished by a fine of not less than one dollar, and not exceeding five dollars and costs of prosecution, and in the imposition of such fine and costs the court may impose a further sentence of imprisonment in the common jail of Washtenaw county, until such fine and costs have been paid, not exceeding in all the period of thirty days.

SEC. 3. This ordinance shall take effect and be in force on and after ten days from legal publication.

LICENSES.

An Ordinance Relative to Licenses.

(Passed July 6, 1891; approved July 15, 1891; amended February 4, 1895; amended March 16, 1896; amended December 19, 1898; amended June 4, 1900; amended November 6, 1905; amended June 17, 1907; amended January 6, 1908.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. No person, firm, corporation or company shall engage in, prosecute or carry on any trade, business or occupation hereinafter mentioned or described, in or within the corporate limits of the City of Ann Arbor until after he, she or they have obtained a license therefor in the manner hereinafter provided.

SEC. 2. There shall be paid for all licenses granted under the provisions of this ordinance, the sum or sums of money hereinafter stated, respectively. Any number of persons may carry on business in copartnership at one place, under one and the same license.

If any person, company or copartnership shall carry on business or do any act or thing requiring a license at different places at one and the same time, he, she or they shall take out a license for and in respect to each and every place where any such business shall be carried on.

SEC. 3. In all cases, unless otherwise provided, where by this ordinance a sum or sums of money is fixed for the payment of a license, it shall be understood to be for the period of one year. The mayor is, however, authorized to grant licenses for any period less than one year, and every license granted shall state the time when the same will expire.

SEC. 4. All licenses shall be revocable at the pleasure of the mayor, or by order of the common council, but no license shall be assignable.

SEC. 5. All licenses granted under this ordinance shall be signed by the mayor and countersigned by the city clerk who shall keep a full record of the same, and shall be in form substantially as follows:

Mayor's Office, } ss.
City of Ann Arbor. }

Number.....

.....Mayor of the City of Ann Arbor.

To whom it may concern:

Know ye, that.....has paid to the City Clerk the sum of.....dollars, and has otherwise complied with the provisions of the ordinances of the city in this behalf. Therefore the said.....is hereby authorized and licensed to.....from and during this.....day of....., 19....., and to and until the.....day of..... 19.....

In witness whereof, I have hereunto set my hand and caused the seal of the City of Ann Arbor to be affixed this..... day of....., 19.....

.....Mayor.

Countersigned:

.....City Clerk.

SEC. 6. Auctioneers, and all persons selling or offering for sale goods, wares, and merchandise at auction, judicial sales excepted, shall pay a license therefor in the sum of five dollars per annum, or for

a less period, and shall execute and deliver to the City of Ann Arbor a bond in the penal sum of two hundred and fifty dollars, with sufficient sureties to be approved by the mayor, conditioned to obey in the time, manner and place of conducting such business, all of the ordinances of said city. Any such license shall, however, authorize such licensee to sell at auction in person only.

SEC. 7.* Every hawker, peddler, or person going about from place to place, or who makes use of any of the streets or open places in said city, selling or offering for sale goods, wares, merchandise or any species of property, shall pay a license in the sum of \$100 per year or \$50 for six months. And for a period less than six months such person shall pay license therefor as follows: That is to say, if he intends to travel on foot, \$3.00 per day; if he intends to travel with one or more horses, \$5.00 for every vehicle used. Any person selling or exposing for sale any property from any wagon, hand cart, show case or stand, in any street or open place, shall pay the sum of \$10.00 per day; and in granting license for any such purpose in any street or open place, the mayor may designate where any such wagon, hand cart, stand or show case shall be located, and shall have power to change and relocate the same from time to time in his discretion: *Provided*, This section shall not apply to persons selling meat, domestic fruits, dairy, farm and garden produce (of their own raising and production) nor to bakers or merchants delivering goods to their customers.

SEC. 8. Every pawnbroker or other person who loans money on personal property, and who shall have and maintain a shop or other place therefor, shall pay the sum of twenty-five dollars per annum for a license therefor, and shall execute and deliver

* Amended January 6, 1908.

to the City of Ann Arbor, a bond in the penal sum of five hundred dollars, with sufficient sureties, to be approved by the mayor, conditioned that he will conduct such business in all things according to law and the ordinances of said city.

SEC. 9. No person shall have, maintain or keep for hire any public carriage, hackney coach, cab, omnibus or other vehicle for the carriage of persons, without a license therefor; and every person so licensed shall pay annually therefor the sum of one dollar for each carriage, cab, omnibus or other vehicle so kept and maintained as aforesaid for a public conveyance, and shall also execute to said city, for the use of all persons injured in person or property, a bond in the penal sum of two hundred and fifty dollars, with sufficient sureties, to be approved by the mayor, conditioned that such licensee, his agents and servants, shall observe and abide by all of the provisions of the charter and ordinances of said city, and also that such licensee, his agents and servants, shall do and perform all and singular all of their duties as a common carrier of persons and property. No person shall drive any such public carriage, cab, hackney coach, omnibus or other public vehicle, for which the owner or keeper shall not have procured a license.

Every conveyance when licensed under this ordinance, when used or driven at night, shall be provided with two lighted lamps, one on either side thereof, with plain glass fronts and sides, and having the number of the license therefor printed in legible characters thereon.

SEC. 10. Every sleigh, and every cart, truck, wagon, dray or other vehicle having two or more wheels and drawn by one or more horses or other animals, which shall be kept, maintained, used, driven or employed for the transportation or conveyance of any

goods, chattels or anything whatsoever, from place to place within the City of Ann Arbor, for hire or reward, shall be deemed a public dray within the purpose and meaning of this ordinance. And no person shall keep, have or maintain for hire any such public dray within said city without a license therefor. The mayor is hereby authorized to grant a license to any person to keep, maintain and operate a public dray in and within said city, on such person paying for every dray so licensed as follows: For every dray drawn by one horse or other animal, one-half dollar per year; and for every dray drawn by two or more horses or other animals, one dollar per year; and also on condition that such licensee do execute and deliver to the City of Ann Arbor, for the use of all persons injured in person or property, a bond with sufficient surety, to be approved by the mayor, in the penal sum of one hundred dollars, conditioned that such licensee, his agents and servants, shall at all times abide by the ordinances of said city, shall and do well and faithfully perform all and singular all of his duties as a common carrier of persons and property.

SEC. 11.* No person, firm, corporation or company shall exhibit or maintain in said city any circus, menagerie, play, game, theatrical exhibition, roller skating rink, bowling alley, or billiard hall, or exhibit natural or artificial curiosities, or exhibit any show or entertainment of any kind for which pay is demanded or received without a license therefor, and for every license granted for any such business, object or purpose there shall be paid by the licensee the sum of money hereinafter specified: for a circus which shall include a menagerie the sum of \$50.00 per day; for a circus without a menagerie the sum of \$25.00 per day; for a menagerie without a circus, the sum of

* As amended June 17, 1907.

\$10.00; for a whirling or merry-go-round, shooting gallery or other game of like character, \$3.00 for the first day and \$1.00 per day thereafter; for every hall, opera house or theater let for the purpose of giving theatrical and other like entertainments a license fee based upon the seating capacity of such hall, opera house or theater as follows: If such place have a seating capacity less than 200 the license fee therefor shall be the sum of \$20.00 per annum; for a seating capacity of from 200 to 500 the license fee therefor shall be \$25.00 per annum; for a seating capacity of from 500 to 1,500 a license fee of \$40.00 per annum; for a seating capacity over 1,500 a license fee of \$50.00 per annum; for every skating rink a license fee of \$25.00 per annum; for every place used for purposes of bowling, a license fee at the rate of \$5.00 per annum for each alley in such place; for every billiard hall a license fee of \$2.00 for each billiard table or pool table therein: *Provided*, however, that it shall be unlawful between the hours of 10:30 p. m. and 7:00 a. m. for any bowling alley or billiard hall to be kept open, operated or used for bowling or billiard playing; for every other public entertainment not hereinbefore stated for which pay shall be demanded or received, \$10.00 for the first day, and \$3.00 for every day thereafter: *provided*, however, that all exhibits of agriculture, educational or religious associations, or local theatrical and musical societies are excepted from all the provisions of the ordinance.

SEC. 12. The mayor may refuse to issue licenses to any person for any of the purposes aforesaid, and may revoke or annul any license hereafter granted for any purpose or occasion whatever. Any such refusal or revocation shall, however, be reported by the mayor to the common council at its first session thereafter. Any person aggrieved by any such action of the mayor, may appeal therefrom to the common council, and upon due consideration the common council

may reverse the action of the mayor, by a two-thirds vote of all the members elected.

SEC. 13.* No person, firm or corporation shall lay, alter or repair any drain or sewer connected with or intended to become a part of the city sewer system, or shall construct, alter or repair any plumbing work in any building, from or through which it is expected or intended to discharge sewage into or through the city sewers, unless said person, firm or corporation shall have previously been duly licensed as a city plumber by this city: *Provided*, That the Board of Public Works may in their discretion permit any property owner to build or construct connecting sewers upon the lots or premises owned or occupied by him or her, and to connect the same with the city sewers, under the inspection of the plumbing inspector.

SEC. 14.† Any person, firm or corporation desiring to obtain a license as city plumber of this city shall file an application in writing for the same with the city clerk, in which the applicant shall set forth his name or legal title, and place of business. The said applicant shall also execute and submit along with the said application a good and sufficient bond in the penal sum of one thousand dollars, with two or more sureties, each of whom shall justify in real estate situated in said City of Ann Arbor in a sum equal to the amount of said bond, over and above all indebtedness and all exemptions from sale on execution. The same bond shall be conditioned as follows:

That said licensee shall well and truly perform all work undertaken by virtue of the said license, strictly according to the rules and regulations of the

* Added by ordinance passed Feb. 4, 1895; approved Feb. 15, 1895. As amended by ordinance passed March 16, 1896; approved March 17, 1896.

† Added by ordinance passed Feb. 4, 1895; approved Feb. 15, 1895.

Board of Public Works of said City of Ann Arbor, which are in force at the time of executing said bond or which may be adopted at any time thereafter, and subject at all times to the inspection of said board or any of its members, in every place and particular.

That the said licensee shall save harmless and indemnify the said City of Ann Arbor from any and all claims, charges or liability, losses or damages, suits, actions, judgments and executions, of whatever name or nature, that shall or may at any time arise, come or be brought against the said City of Ann Arbor, by reason of any injury, loss or damage sustained by any one, either in person or property, by, from or through any imperfect or improper work of the said licensee, or by, from or through any defective, imperfect or unfit materials used in any such work, or by, from or through the neglect or failure of said licensee to properly and effectively guard and protect any excavations or piles of materials or dirt in, along or upon any street, alley, avenue, commons or other public place, caused in performing any work undertaken by virtue of said license.

That said licensee shall, immediately upon the completion of any work undertaken by virtue of the said license, well and truly replace, restore or renew any portions of pavement, sidewalk, crosswalk, curbing or street surface, torn up, disturbed, removed or incumbered by reason of any work undertaken by virtue of the said license, so that the same shall be and remain for a period of six months, in first-class condition satisfactory to the said Board of Public Works.

That the said licensee, his agents and servants, shall and will at all times comply with the provisions of any and all ordinances of said City of Ann Arbor, relative to the use of streets, alleys and public places, and all ordinances providing for the suitable and effective protection of excavations and piles of mater-

ials in and along or upon any such streets, alleys, commons and public places, while engaged in any work under said license, and shall and will erect and maintain a good and sufficient fence, railing or barrier around any excavations or piles of material so made as aforesaid, in such a manner as to prevent any accident, injury or damages, and shall and will maintain upon such railing, fence or barrier suitable and sufficient red lights during the hours of the night.

After the said bond shall have been approved by the common council, and upon receipt of a license fee of one dollar, the city clerk shall issue a license as city plumber, to the said applicant, the said license not to be and remain in force for a longer period than one year from its date of issuance, and all such licenses to expire on the first day of May next succeeding the said date: *Provided*, however, That no license shall expire before May 1, 1896.

SEC. 15.* The form of a plumber's license shall be as follows:

Ann Arbor, Mich.....
 Mayor's Office, }
 City of Ann Arbor. } ss.

To whom it may concern:

This is to certify that.....has fully complied with all of the requirements of the ordinances of this city, to that end made and established, and is hereby duly licensed to build connecting sewers and to do all kinds of plumbing work in buildings for the discharge of sewage into or through the city sewers, until the first day of May, 190.....

In witness whereof I have hereunto set my hand and caused the seal of the City of Ann Arbor to be affixed, this.....day of190.....

.....Mayor.
City Clerk.

SEC. 16.* The city clerk may retain for each and every license granted, of such license fee, the sum of fifty cents for his own use, and the remainder of all such license fees he shall without delay pay into the city treasury.

* Added by ordinance passed Feb. 4, 1895; approved Feb. 15, 1895.

SEC. 17.* Any violation of, or wilful neglect or failure to comply with any of the provisions of this ordinance, shall, on conviction thereof, be punished by a fine of twenty dollars and costs of suit to be taxed by the court, or by imprisonment in the common jail of the County of Washtenaw for a period of thirty days, or both such fine and imprisonment; and on the imposition of any such fine, the court shall have power and authority to make a further order and judgment, that any such person so convicted shall be imprisoned in the common jail aforesaid until such fine and costs shall be paid; but such imprisonment shall not exceed thirty days.

SEC. 18.* All ordinances relating to licenses, in conflict with the provisions of this ordinance, are hereby repealed. All licenses heretofore granted, however, and now in force, shall remain until revoked, or until they shall otherwise expire.

SEC. 19.* This ordinance shall take effect and be in full force after ten days from legal publication.

**An Ordinance Relative to the Licensing of Dogs and
Regulating the Running at Large and the
Slaying of Dogs.**

(Passed September 17, 1894; approved September 18, 1894; amended
October 3, 1904.)

*The Common Council of the City of Ann Arbor or-
dain:*

SECTION 1†. It shall be unlawful for any person to own, possess or harbor, or have the care or keeping of any dog, male or female, over the age of three months, within the City of Ann Arbor, without first obtaining a license therefor from the said City of Ann

* As renumbered by ordinance passed Feb. 4, 1895; approved Feb. 15, 1895.

† As amended October 3, 1904.

Arbor. The fee for which license shall be: For a male dog and a spayed female dog, one dollar and twenty-five cents; for a female dog, five dollars. No license shall be granted for a period exceeding one year, and all licenses shall expire on the first day of July succeeding their issue.

SEC. 2.* It shall be the duty of every person owning or having the possession or care of any dog, male or female, to cause such dog to be registered in the office of the city clerk, in a register kept by said clerk for that purpose, and to pay the license fee provided in Section 1 of this ordinance, into the city treasury; and also to obtain the city clerk's receipt for said license so paid and the metallic plate or check hereinafter described, under the penalties herein provided.

SEC. 3. It shall be the duty of the clerk of said city to provide such number of metallic plates or checks as may be necessary, of such size and shape as he may deem expedient (the shape of such check or plate to be changed each year), having stamped thereon numbers indicating the year for which the tax is paid, the number of the license and the letters A. A. D. T., and to deliver one of these metallic plates to each person so paying for a license upon any such dog.

SEC. 4. It shall be the duty of such owner, possessor, keeper or harbinger of any such registered dog, to place or cause to be placed around the neck of any such dog, a substantial collar, and on such collar securely to attach or cause to be attached the metallic plate or check so furnished by the clerk of said city; and if any person shall place or cause to be placed upon the collar or around the neck of any such dog, any counterfeit of the metallic plate or check so furnished by the city clerk, or any such metallic plate without the license for the keeping of such dog having

* As amended October 3, 1904.

first been paid, he or she will be liable to the penalties herein provided.

SEC. 5. It shall be the duty of the pound master of said city to take up and impound any dog, male or female, found running at large, contrary to the provisions of this ordinance, in the City of Ann Arbor, not having a collar around its neck with the metallic plate or check aforesaid attached thereto; and, if said dog shall not be redeemed as hereinafter provided, within four days after such dog shall have been impounded, it shall be the duty of the poundmaster to slay or cause to be slain the same; or if the animal is worthy and valuable the same shall be sold by the poundmaster, at the pound, by public auction, to the highest bidder, at the hour of noon next succeeding the said four days. All moneys over and above the poundmaster's fees, arising from such sales, shall be paid to the city treasurer by the said poundmaster within thirty days from said sales. But it is hereby provided, that any such dog so impounded, may be redeemed or taken from such pound, upon exhibiting to said poundmaster a receipt of the city clerk, showing that the license in this ordinance imposed has been paid for such dog, and upon the payment to said poundmaster of a pound fee of one dollar and the further sum of twenty-five cents per day for each and every day such dog shall have been impounded.

SEC. 6. It shall be lawful for any person, and it shall be the duty of the marshal and each patrolman of the City of Ann Arbor, to seize, take up and deliver to the poundkeeper any dog, male or female, found running at large in said city in violation of any of the provisions of this ordinance.

SEC. 7. The poundmaster of said city is hereby authorized to collect the fees provided for in Section 5 of this ordinance, for all dogs impounded, and he

shall retain such fees as compensation for his services as poundkeeper under this ordinance: *Provided*, That when any dog which shall have been delivered to said poundmaster by some person other than the marshal or a patrolman of the said City of Ann Arbor, shall have been redeemed in accordance with the provisions of Section 5 of this ordinance, one-half of such redemption fee shall by said poundmaster be paid to the person who delivered said dog to the poundmaster as provided in Section 6.

SEC. 8. It shall not be lawful for any owner, possessor or person having in charge or care, a fierce or dangerous dog, to permit or allow the same to go at large at any time in said city, to the danger or annoyance of any of its inhabitants. Whenever any person shall have been convicted of violating the provisions of this section of this ordinance, and shall permit or allow such dog to run at large after such conviction, it shall be the duty of the police authorities of said city to kill such dog.

SEC. 9. It shall be unlawful for the owner, possessor, keeper or harbinger of any licensed female dog, knowingly to permit her to run at large while in heat, and it shall be the duty of the police of said city to seize, take up and deliver to the pound-keeper any such dog found running at large in said city at such time. It shall be the duty of the poundmaster to serve upon the owner or keeper of such dog a notice in writing of the impounding of such dog, at once, and any such dog so impounded may be redeemed or taken from such pound by the owner or keeper of such dog within forty-eight hours after service upon such owner or keeper of said written notice, upon the payment to said poundmaster of the fees as provided in Section 5. In case the owner or keeper of any such dog so impounded shall not have redeemed said dog as herein provided, it shall be the duty of the poundmaster to

kill the same, or in case said dog is worthy and valuable the same shall be sold by the poundmaster, at the pound, by public auction, to the highest bidder, at the hour of noon next succeeding the expiration of said forty-eight hours.

SEC. 10. It shall be unlawful for any person to own, keep or harbor any dog which, by loud and frequent barking, howling or yelping, shall cause serious annoyance or disturbance to any of the citizens of said city.

SEC. 11. Whenever any danger shall be justly feared as likely to result from hydrophobia, the mayor shall publish his proclamation requiring all persons owning or having charge or keeping any dog or dogs, to confine them on their premises for a prescribed time, and any person who shall omit to secure any dog owned or harbored or kept in charge by him, or shall allow such dog to escape or go from his premises, shall be liable on conviction before the proper tribunal, to the punishment provided in Section 13 of this ordinance. During the time prescribed by the mayor's proclamation, any dog found running at large upon the public streets of said city shall be forthwith slain.

SEC. 12. Whenever any person shall have been convicted of owning, possessing, keeping or harboring any dog that has bitten any person within said city while peaceably walking or riding without the enclosure of such owner, keeper or harbinger, the justice of the peace before whom such person shall have been convicted, shall issue an order in writing directing such owner, keeper or harbinger of said dog to kill the same within six hours after service on him of such order. The owner, possessor, keeper or person having in charge any such dog, who shall refuse or neglect to kill it within six hours after having received such order, shall on conviction before the proper tribunal,

be liable to the punishment provided in Section 13 of this ordinance, and it shall be the duty of any police officer to destroy such dog wherever he shall be found at large in said city six hours after service of said order.

SEC. 13. Any person violating any of the provisions of this ordinance, shall, upon conviction thereof, be punished by a fine not exceeding fifty dollars and costs of prosecution, and in the imposition of any such fine and costs, the court may impose a further sentence that the offender be and remain imprisoned in the common jail of Washtenaw county until such fine and costs have been paid: *Provided*, That such imprisonment shall not exceed thirty days.

SEC. 14. This ordinance shall take effect and be in force on and after the 10th day of October, A. D. 1894.

**An Ordinance Relative to Porters, Runners and Drivers,
and to Regulate Hacks and Drays.**

(Passed March 16, 1896; approved March 17, 1896; amended August 20, 1900.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1.* Every person licensed to use any hack, coach, cab, omnibus or other vehicles for carrying passengers for hire in the city of Ann Arbor, shall be permitted to have, demand and receive from any person or persons for whom they may perform any service embraced within the scope of their license, the following rates, or prices, for such service, and no more: For each passenger to any part of the city, twenty-five cents, for baggage, not exceeding one hundred and fifty pounds in weight, to any part of the city, twenty five cents; for children over six years,

* As amended August 20, 1900.

and under twelve years of age, fifteen cents; for children under six years of age, in charge of parents or guardian, in all cases to be carried free. For the use of hackney, carriage or omnibus by the hour, one dollar and fifty cents for the first hour, and one dollar for each additional hour, and for the additional fractional hours thereof, at the rate of one dollar per hour. *Provided*, That when a carriage or omnibus is used between the hours of eleven o'clock p. m. and five o'clock a. m., standard time, it shall be lawful to demand and receive for the same service double the rates prescribed above.

Any driver or person in charge of a hackney, carriage or omnibus, or other public vehicle, shall keep and immediately produce upon request, a printed copy of this section of this ordinance, to be furnished upon application by the city clerk. And every licensed hack shall contain a printed card conspicuously displayed showing the charges permitted by this ordinance, said card to be furnished by the city clerk.

Any person who shall make and collect any over charges in the above rates, or shall be guilty of any rude, boisterous, noisy or improper conduct, to the disturbance of the quiet and comfort of travelers and citizens, shall be punished as hereinafter in this ordinance provided.

SEC. 2. Every person licensed to use any cart, truck, wagon, or other vehicle for the transportation of any property, for hire, within the city of Ann Arbor, shall be allowed to charge the following rates of prices for such transportation, and no more:

For each load conveyed by a dray drawn by one horse, or other animal, to any part of the city, seventy-five cents; for each load conveyed by a dray drawn by two horses, or other animals, to any part of the city, one dollar; or conveying any single article to any part of the city twenty-five cents.

And no greater sum shall be demanded and re-

ceived, unless by previous agreement by the parties interested, but not to make an unreasonable or exorbitant charge for moving any such property or thing.

Every person driving, or having in charge, any dray, cart, or other vehicle for the transportation of property for hire, shall keep and immediately produce, upon request, a correct copy of this section of this ordinance, to be furnished, upon application, by the city clerk.

Any person who shall make and collect any overcharge on the above rates shall forfeit and pay a fine of not exceeding five dollars and cost of prosecution for a first offense, and not exceeding twenty-five dollars and costs of prosecution for a second, or subsequent, offense.

SEC. 3. The common council shall by resolution from time to time, as may be deemed necessary, or advisable, fix and determine a stand, or stands, for all hacks, drays, or other vehicles used for the transportation of passengers or property for hire, in said city, to be occupied by them while waiting for employment; and drayman or hackman, or other person having the charge of any such vehicles, shall cause their hacks and drays to occupy the stand so designated by the common council, while waiting for employment, and shall cause the said dray or hack to stand in such a manner as to obstruct the public street as little as possible.

Any person failing to comply with the provisions of this section shall be liable to a fine of five dollars, and the costs of prosecution.

SEC. 4. No person while acting in the capacity of a public porter, or runner, for any hotel, or other public house, or as an omnibus agent, or as the driver of any hack, omnibus, baggage wagon, dray, or other public carriage, or vehicle for the transportation of

passengers or property, shall in any manner tease, vex, or annoy citizens or passengers in soliciting patronage for his hotel, or vehicle, by following after, surrounding, obstructing, or in any manner interfering with a quiet and undisturbed egress or departure of any and all passengers, or citizens, from the depots and depot grounds in this city, of the Michigan Central and Ann Arbor Railroad Companies, and no such porter, runner, driver, agent, or drayman, shall make, aid, countenance, or assist in making any loud or boisterous noise, disturbance or improper diversion, or be guilty of any indecent, immoral, obscene, or insulting language, conduct or behavior, at or near either of said depots, or at or near any hack, or dray stand, or in or about any of the public streets, alleys, or other public places of this city.

SEC. 5. Every public porter or runner for any hotel or other public house, or omnibus agent, or driver of any hack, omnibus, baggage wagon, or dray, shall wear a badge in some conspicuous place upon his person, upon which in plainly legible characters shall be engraved, or printed, the number of his vehicle, or the name of his hotel, or other public house; and no person, unless he wears such a badge, shall procure passengers, or charge and receive any fare for the use of any public vehicle.

SEC. 6. The city marshal shall assign the limits within which all hacks, omnibuses, or other vehicles, shall stand when at the Michigan Central or Ann Arbor Railroad depots, and the drivers of said vehicles shall have choice of position within said limits, in the order of their arrival upon the ground. Said vehicles may occupy their proper positions at said stations, or depots, for twenty minutes prior to the advertised time of the arrival of passenger trains, and for twenty minutes after the actual arrival of said trains, but no longer period, and at no other time.

All porters, runners, agents, drivers or other persons having the care or control of said vehicles, or acting for any hotel, or other public house, shall, upon the arrival of any passenger train, immediately take their position along the outer edge of the sidewalk which extends along the south side of the Michigan Central depot building, or along the east side of the Ann Arbor (Railroad) depot building, as the case may be, and close by the hack or other vehicle belonging to, or in care of, or control of the said porter, driver, or other person; nor shall any porter, runner, agent, driver, drayman, or any other such person, leave his said position, or go into, or towards, the said depot buildings while any passenger train is standing at the station taking on or discharging passengers, except at the request of a passenger for the purpose of removing his baggage.

SEC. 7. No hack or other public vehicle shall be permitted to stand in any street or other public place of this city, while carrying or containing passengers without the team attached thereto being securely hitched, unless the same shall be within the immediate control of the driver.

SEC. 8. Any person who shall be convicted of a violation of any of the provisions of this ordinance, and for which no penalty has been heretofore prescribed, shall be punished by a fine of not more than twenty-five dollars and the cost of prosecution, or by imprisonment in the city lock-up, or in the Washtenaw county jail, for a period not to exceed thirty days, or by both such fine and imprisonment, in the discretion of the court; and in imposing such fine the court may make a further sentence that the offender may be imprisoned in said city lock-up, or Washtenaw county jail, until the said fine be paid, not to exceed thirty days.

This ordinance shall take effect and be in full force on and after ten days from legal publication.

An Ordinance Relative to Transient Traders.

(Passed December 1, 1902; approved December 8, 1902.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. No person or persons, firm or corporation shall ply the vocation of transient trader in the City of Ann Arbor without first obtaining a license as herein provided.

SEC. 2. A transient trader as used in this ordinance shall be construed to mean a person by himself or in company with others who occupies premises within the city for a temporary period and is not assessed for taxes in the city and who offers goods, wares or merchandise for sale.

SEC. 3. Before any license shall be granted under this ordinance, the person or persons, firm or corporation desiring the same shall make application to the common council in writing specifying the kind of business the applicant proposes to engage in, the time it is to be carried on, and the place where such goods are to be sold, and shall at the time of making such application deposit with the city clerk of said city the amount of the license fee required by this ordinance.

SEC. 4. The license fee required by this ordinance shall be as follows:

For the right and privilege of selling goods at retail by sample, \$5.00 per day for the first ten days, and \$3.00 per day for each and every day in addition thereto.

For the right and privilege of selling goods from a stock actually kept on hand from which selections are made by the purchaser, \$7.00 per day for the first twenty days, and \$5.00 for each and every day in addition thereto.

SEC. 5. Nothing in this ordinance shall be construed to prohibit the sale of goods, wares or mer-

chandise to local merchants and dealers who are already engaged in or about to engage in business in the said City of Ann Arbor.

SEC. 6. The sum so paid by such party or parties may be remitted by order of the city council provided it is shown that the stock of goods owned and controlled by them has become subject to assessment and has been duly assessed by the city assessor of the City of Ann Arbor and that the taxes thereon have been paid.

SEC. 7. Any person violating any of the foregoing provisions of this ordinance shall on conviction thereof be punished by a fine not to exceed one hundred dollars or imprisonment in the city lock-up or Washtenaw county jail not to exceed ninety days, or both fine and imprisonment in the discretion of the court.

SEC. 8. All ordinances and parts of ordinances heretofore passed by the City of Ann Arbor coming in conflict with this ordinance or any provision of the same are hereby repealed.

This ordinance shall take effect and be in force on and after ten days from legal publication.

**An Ordinance to Provide for Licensing and Regulating
Saloons and All Places, Except Drug Stores, where
Spiritous, Malt, Brewed, Fermented, Vinous
or Intoxicating Liquors are Sold or
kept for Sale at Wholesale or
Retail.**

(Passed April 18, 1904; approved April 19, 1904.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. No person shall keep a saloon or other place, except a drug store, where any spiritous, malt, brewed, fermented, vinous or intoxicating liquors are

sold or kept for sale at wholesale or retail within the limits of the City of Ann Arbor, without having first obtained from the Common Council a license therefor, in the manner hereinafter provided.

SEC. 2. Every person desiring to keep such a saloon or place shall, before entering upon such business, make application in writing therefor to the Common Council, specifying the location of the building in which he intends to keep the same. Such application shall be accompanied by a recommendation signed by at least ten (10) reputable and respectable citizens of this city who are taxpayers in and residents of the ward in which such saloon or place is proposed to be located, certifying that the applicant is well known to them, is well qualified to keep a saloon and is of good reputation, fame, moral character, and an orderly person. Such applicant shall also, before receiving such license, pay to the city clerk a fee of one (\$1.00) dollar for issuing such license. Such applicant shall also before such license is issued execute a bond to the City of Ann Arbor in the sum of five hundred (\$500.00) dollars, with two sufficient sureties who shall be residents and freeholders of the City of Ann Arbor, and each of whom shall justify in real estate situated in said city in a sum equal to the amount of the bond over and above all indebtedness, and all exemptions from sale or execution, to be approved by the common council, conditioned that he shall keep and maintain an orderly and well regulated saloon during the continuance of such license and shall pay all fines and costs imposed upon him for the violation of any of the provisions of this ordinance. *Provided*, That such applicant shall have the right and privilege of presenting a surety company bond to said city for said sum and for the said purpose hereinbefore contained.

SEC. 3. If it shall come to the knowledge of the common council that such applicant has been convict-

ed of crime, other than a violation of the liquor law, or that the past management of a saloon by such applicant, or the past reputation of the place where the business is to be carried on, is of such a character as to be a menace to the peace and good order of the neighborhood, said common council, through the city clerk, shall notify such applicant thereof and shall appoint a time and place to ascertain the truth thereof. At such time and place if it shall appear that such applicant has been served with a notice thereof, the common council shall proceed to investigate said allegations, and if it shall be made to appear to said common council upon such investigation, that said applicant has been theretofore convicted of crime, other than a violation of the liquor law, or that the past management of his saloon by said applicant, or the past reputation of the place where the business is to be carried on is of such a character as to be a menace to the peace and good order of the neighborhood, said common council may refuse such application for such license.

SEC. 4. Any person who shall be found guilty of violating any of the provisions of this ordinance shall be punished by a fine of not more than one hundred (\$100.00) dollars, or by imprisonment in the Washenaw jail for a period of time not to exceed ninety (90) days, or by both such fine and imprisonment in the discretion of the court.

This ordinance shall take effect and be in force on and after ten (10) days from legal publication.

An Ordinance Regulating the Posting of Bills, Tacking and Painting of Signs, and the Circulation of Advertising Matter and Sample Packages, to License Bill Posters and to Regulate Their Manner of Doing Business in the City of Ann Arbor.

(Passed January 6, 1908.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. No person shall engage in or carry on the business or occupation of bill posting in the City of Ann Arbor without first having been licensed to carry on said business in accordance with the provisions of this ordinance.

SEC. 2. Bill posters within the meaning of this ordinance shall be construed to include all persons who engage in the business or occupation of posting, by tacking, posting, painting, or otherwise, or circulating from house to house, or distributing upon the streets any advertising matter, bills, posters, samples, pictures or any other thing, matter or device whatsoever, advertising the business of any firm or corporation, whether that of merchant, manufacturer, publisher, or person or persons engaged in any business of industrial pursuit or of any operas, theatres, shows, circuses, or other exhibitions. *Provided*, however, that nothing herein contained shall be construed to apply to the painting of store, office or other signs by sign painters, nor to the posting of legal notices by public officers or attorneys in the manner and in the places prescribed by law. *Provided*, further, That this shall not prohibit any resident of this city from distributing his own advertising matter, or causing the same to be done by any responsible parties.

SEC. 3. Any person or persons desiring to engage

in the business of a bill poster in said city shall make application in writing to the city clerk of said city for a license so to do. The city clerk may thereupon grant such license to the applicant upon payment of twenty-five dollars, and upon the further condition that the applicant shall file with the said city clerk a bond running to the City of Ann Arbor, with two sufficient sureties to be approved by the mayor, in the penal sum of five hundred dollars, conditioned that the licensee will conform to the ordinance of the city regulating the business of bill posting. The license shall be signed by the mayor and attested by the city clerk and shall expire one year from the date of its issue. No licenses will be granted for any less period of time than one year.

SEC. 4. No person shall in said city paint, print, post or in any way affix any picture, bill, banner, or advertising matter of any kind upon any post, hydrant, curb, sidewalk or other public improvement in any public ground or street nor upon any bridge or part of the same or public building, structure or erection of any kind, belonging to the City of Ann Arbor, unless express consent therefor shall have been first granted by the city council, nor upon any mast or pole in any street or alley, erected or used for supporting or conducting any wire or cable or incidental thereto, or upon any tree, lamp-post or any structure or erection of any kind within the limits of any public street or ground in the city (whether the permission therefor has been granted by the owner or otherwise), except legal or official notices.

SEC. 5. No person shall hereafter paint, post or in any way affix any pictures, bills, signs, or advertising matter of any kind upon any post, fence, bill board or sign board, or upon any building or erection or structure of any kind within the City of Ann Arbor unless the building, lot or object upon which the

same may be placed is the property or under the control of the person or persons so doing or unless the consent of the owner or the person in control thereof shall be first obtained for advertising purposes.

SEC. 6. No person shall loosely scatter or throw any bills or other advertising matter on the surface of any of the public streets, alleys, or on the public grounds of the city, nor in the yards of private residences.

SEC. 7. Any licensed bill poster, his agents and all of his employees, unless accompanied by him, while engaged in the act of posting bills, tacking signs or banners, hanging lithographs, painting signs or bulletins, distributing bills, books, pamphlets, circulars or samples of any kind whatsoever within the corporate limits of Ann Arbor, shall while so engaged wear a badge with the following words: "Licensed bill poster" printed or engraved thereon, said badge to be worn at all times so as to be seen upon the person so engaged in said business and all such badges to be furnished at the expense of the licensee.

SEC. 8. No bill poster while distributing is allowed to ring door bells.

SEC. 9. No bill poster while distributing will be allowed to walk across lawns or gardens.

SEC. 10. It shall be unlawful for any person or persons to tear off, tear down, burn, disfigure, mutilate or in any way destroy, deface, harm or molest any bill board, sign board, or any advertising matter whatsoever affixed thereto. Any such person or persons who shall have violated any of the foregoing sections shall be deemed as having committed a misdemeanor and will be prosecuted and punished to the full extent of the law.

SEC. 11. No bill poster or other person shall post or affix any bill or advertising containing pictures, il-

lustrations or printed matter of any obscene or immoral character.

SEC. 12. No bill poster shall scatter, daub or leave any paste, glue or other like substance, used for affixing bills, upon any public sidewalk or pavement nor scatter or throw any old bills or waste material, removed from bill boards, on the surface of any public street or alley nor on the surface of any private grounds, nor in the rear of any bill boards or sign boards.

SEC. 13. Any person or persons violating any of the provisions of this ordinance shall upon the conviction thereof, be punished by a fine of not exceeding one hundred dollars or by imprisonment for a term not exceeding ninety days.

SEC. 14. That all ordinances or parts of ordinances, heretofore passed by the common council of the City of Ann Arbor, regulating the posting of bills, tacking of signs, distributing of books, circulars, pamphlets, bills, and advertising sample packages that would in any way conflict with the provisions of this ordinance be and the same are hereby repealed.

SEC. 15. This ordinance shall take effect and be in force from and after the expiration of ten days from the legal publication thereof.

PUBLIC HEALTH.

An Ordinance Relative to the Public Health.

(Passed November 4, 1895; approved November 5, 1895; amended September 20, 1897; approved September 27, 1897.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. Every physician or person acting as such, who shall have a patient sick with small-pox, varioloid, cholera, scarlet fever, measles, typhoid

fever, whooping cough, diphtheria, erysipelas, puerperal fever, consumption, or any other contagious, infectious or pestilential disease, shall forthwith report the fact to the health officer or the city clerk. The said report shall be in writing and signed by the person making the same. . It shall set forth the name of the patient, if known, and the place by street and number or other sufficient designation where the said patient is being treated or kept. And every keeper or person in charge of any pest house under the control of the authorities of this city, shall forthwith give written notice to the Board of Health, of the arrival of any person at said house, sick or affected with any contagious, infectious or pestilential disease.

SEC. 2. The proprietor or person in charge of any hotel, tavern, boarding, lodging or other public house, or owner or occupant of any building, private house or residence in this city, in which any person shall be sick with small-pox, varioloid, cholera, scarlet fever, measles, typhoid fever, whooping cough, diphtheria, erysipelas, puerperal fever or any other contagious, infectious or pestilential disease, shall forthwith report the said case of sickness to the health officer or city clerk; and the said proprietor or person in charge, or owner or occupant, shall, when so ordered by the said Board of Health, immediately procure, put up and maintain posted in a conspicuous place on the front of the building containing the said patient, a card or sign such as the said board shall deem appropriate to the case and provide for the purpose; and the said card or sign shall not be removed, injured or defaced by any person, but shall remain posted until its removal is ordered by the said Board of Health, or their duly authorized agent.

SEC. 3. The proprietor or person in charge of any hotel, tavern, boarding, lodging or other public house, or owner or occupant of any building, private house

or residence in this city, wherein any person or persons may be sick with small-pox, varioloid, cholera, scarlet fever, measles, typhoid fever, whooping cough, diphtheria, erysipelas, puerperal fever or any other contagious, infectious or pestilential disease, shall close such public house or private residence, and shall keep the same closed as against all lodgers, boarders, customers, and persons desiring to enter and visit the same, when so ordered by the Board of Health; and shall restrain and prevent the occupants of such public house or private residence from leaving said premises until such time as the Board of Health shall give permission therefor: *Provided*, That the provisions of this section shall not apply to physicians or clergymen in attendance upon such sick person or persons, nor to policemen on duty in and about the premises.

SEC. 4. It shall be the duty of all persons sick with small-pox, varioloid, cholera, scarlet fever, measles, typhoid fever, whooping cough, diphtheria, erysipelas, puerperal fever or any other contagious, infectious or pestilential disease, and they are hereby required to keep closely confined within their respective places of abode unless otherwise directed or permitted by the Board of Health. And no person sick or convalescent from any of the said contagious, infectious or pestilential diseases, shall go about from place to place in any yard, street, alley, lane, common or other public place in this city, without first obtaining the permission of the Board of Health.

SEC. 5. The owner, driver or person in charge of any stage coach, railroad car or other public conveyance, which may hereafter enter this city, having on board any person sick with small-pox, varioloid, cholera, scarlet fever, measles, typhoid fever, whooping cough, diphtheria, erysipelas, puerperal fever, or other contagious, infectious or pestilential disease, shall

within two hours after the arrival of the said sick person report the fact to the city clerk or to some member of the Board of Health, together with the place in said city where the said sick person shall have been put down. In case any pest house or hospital shall have been established by the Board of Health, such sick person shall be taken at once to said hospital in said public conveyance, if possible, and not permitted to alight at any other place, except to be immediately transferred to a conveyance especially intended for the removal of such cases to the said pest house or hospital.

SEC. 6. No owner, driver or person in charge of any public hack, carriage, omnibus or other conveyance, shall knowingly permit the same to be used for the transportation of the body of any person who may have died of any contagious, infectious or pestilential disease, nor for the transportation of any person sick with any such disease, nor shall any such conveyance stop for and receive a passenger at any place or building upon which is displayed a sign of the board of health giving notice of the presence upon the premises of a disease dangerous to the public health. And whenever any owner, driver or person in charge of any public conveyance shall unknowingly and inadvertently permit the use of his said conveyance as hereinbefore prohibited, the said owner, driver or person in charge shall immediately upon learning of the improper use, report the same to the Board of Health, and cause the said public conveyance to be fumigated or disinfected or otherwise disposed of as shall be ordered by the said board; nor shall the said public conveyance be used for the transportation of passengers after the said improper usage thereof until a certificate in writing shall have been issued to the said owner, driver or person in charge, by the said Board of Health, to the effect that in the opinion of the said board the said public conveyance has been

properly and satisfactorily cleaned and disinfected, and may be so used without danger to the public health.

SEC. 7. Every physician or person acting as such, who shall have a patient sick with any contagious, pestilential or infectious disease, shall immediately after each and every visit to the said patient, and before visiting any other place, person or patient, unless going to a place near by similarly infected, change his or her clothing and otherwise disinfect himself in such manner as may be hereafter prescribed by the Board of Health. And the same precautions shall be taken by persons waiting upon or nursing persons affected with any such disease, and by persons visiting the sick room for any purpose whatever while occupied by the said patient, and by undertakers who have charge of the remains of any person who has died of any such disease. And there shall be no public funeral permitted of any person who has died of any such disease.

SEC. 8. Immediately upon the death or recovery of any person afflicted with any contagious, infectious or pestilential disease, the Board of Health shall cause the bedding, wearing apparel and other articles in use about the said sick person to be inspected by a competent person, who shall determine which of said articles may with safety be used by other persons after proper cleansing and disinfecting, and which of them ought to be destroyed. And the said inspector is hereby given power and authority to order the mode of cleansing and disinfection, and to order the destruction of such articles as he may deem will be dangerous to the public health unless so disposed of; and the person owning or having charge of the said articles shall immediately make such disposal of the same as the said inspector shall order.

SEC. 9. It shall be the duty of the physician or

person acting as such, in charge of any patient sick with any contagious, infectious or pestilential disease, to give all necessary instructions regarding proper ventilation and cleansing of the house or residence in which the patient is confined and see that all regulations of this city and of the Board of Health thereof, relating to and applicable to the said case, shall be duly made known to the person or persons in charge of the premises where the said patient is confined, or having the care of the said patient; and the said physician or person acting as such shall report promptly any and all violations of the ordinances of this city or regulations of the said Board of Health made for the protection of the public health, which may come under their observation.

SEC. 10. The city marshal shall co-operate with the Board of Health in all matters pertaining to the abatement of nuisances and the preservation of the public health. He shall serve or cause to be served all notices and papers issued by the said board, and when so requested by the said board shall cause complaints to be made for the violation of the health ordinances of this city. And it shall be the duty of all members of the police force to report any and all violations of the health ordinances of this city to the said Board of Health as promptly as possible.

SEC. 10A.* That it shall be unlawful for any person to expose, set out or scatter any poison, poisonous mixture or compound within the limits of the City of Ann Arbor.

SEC. 11. Any person violating any of the provisions of this ordinance, or failing or neglecting to make any of the reports herein required, or failing or neglecting to obey any order or requirement of the Board of Health or of any officer or agent of the said board, made under the authority herein granted and

* As amended September 20, 1897.

confirmed, shall, on conviction thereof, be punished by a fine not exceeding one hundred dollars including costs of prosecution, or by imprisonment in the Washtenaw county jail, city lock-up, or Detroit house of correction, for a period not to exceed ninety days, or by both such fine and imprisonment in the discretion of the court.

This ordinance shall take effect and be in force on and after ten days from legal publication.

An Ordinance Relative to Nuisances.

(Passed February 3, 1896; approved February 6, 1896; amended October 7, 1907.)

The Common Council of the City of Ann Arbor ordain :

SECTION 1. No person by himself or another shall cause or permit any animal or vegetable substance, dead animal, fish, shells, dirt, rubbish, excrement, filth, ordure, slops, unclean or nauseous water or liquor, straw, ashes, cinders, soot, offal, garbage, swill, or any other article or substance whatever which may cause a noisome, unwholesome or offensive smell or be dangerous to public health, to be dropped, thrown, left or scattered in or about any street, lane, alley, sidewalk, or other public place; and any person by whose fault, act or permission, any such noisome, offensive or unwholesome article or substance comes to be left or scattered in or about any street or other public place of this city, shall immediately remove the same, and shall clean and disinfect the said street or public place in a manner satisfactory to the board of health.

SEC. 2. The owner or occupant of any store, shop or place of business, adjacent to and abutting upon any street, alley or other public place of this city, shall by an hour not later than eight o'clock a. m., on

each Saturday morning between the fifteenth day of March and the succeeding fifteenth day of November of each year, scrape, sweep and gather into convenient heaps along the outer edge of the gutter, all of the filth and rubbish found in said street, alley or other public place, along the front, rear or side of the said place of business to the center of said street.

SEC. 3. The owner or occupant of any store, shop or other place of business in this city shall keep the gutter of the street adjacent to, and along the front, rear or side of said place of business free from all rubbish or other matter which may impede the flow of surface water along said gutter, or cause filthy or stagnant water to stand or remain in said gutter.

SEC. 4. No person shall place or keep on or in any lot, building or premises in this city, any dead animal, putrid, offensive or unsound beef, pork or other meat, fish, hides, skins, bones, horns, stinking or rotten soap grease, offal, garbage or any other animal or vegetable substance in such a condition as to cause a noisome, offensive or unwholesome smell, or be dangerous to public health. Nor shall any person throw, drop, leave or scatter on or about his own premises or those of another, any foul or nauseous liquid, water or slops, or nauseous or noxious animal or vegetable matter or substance, or waste waters or products from any still house, brewery, soap or candle factory, dye house, work-shop, factory, machine shop, tannery, slaughter house or livery stable, or other similar establishment. Nor shall any person throw or discharge into the waters of the Huron river, or of Allen's or Traver's creeks, or into any milling race, spring, well or public or private water course within the limits of this city, any of said nauseous or unwholesome animal or vegetable substances, or foul or noxious liquids or waste waters, or perform or neglect any other act whereby any of said waters are rendered filthy or dangerous to public health.

SEC. 5 . When any dumb animal dies within the limits of this city, the owner or person having the care or control of said animal shall, within two hours thereafter, cause the carcass to be removed beyond the city limits, or to some place hereafter especially provided by the common council.

SEC. 6.* Any person owning, maintaining or in control of any soap, candle, starch or glue factory, grocery, cellar, butcher's shop, slaughter house, fish market, stable, barn, hen house, dove cote, pig pen, laundry, brewery, machine shop, tannery, drain sewer, cess pool, privy, or other similar place, convenience or establishment shall keep the same properly cleaned and disinfected, and in such a manner as to prevent the same from becoming a nuisance or dangerous to the public health, and at all times in a condition satisfactory to the board of health. Privy vaults and cess-pools shall be so constructed and located, and from time to time emptied, cleaned and disinfected, in such a manner as not to cause a nuisance or endanger the public health, or as the board of health may direct. All privies or out-of-door closets situated on or within any sewer district shall be of the type known as dry earth closets, conforming to the following requirements: Vaults are prohibited. All closets shall be provided with water-tight receptacles. It will be the duty of the owner of the privies to see that these receptacles shall be emptied at least once in three months or oftener as may be directed by the board of health. Within the privy or out-of-door closet shall be kept chloride of lime or some other satisfactory disinfectant or deodorizer which shall be frequently sprinkled over the contents of the receptacle.

SEC. 7. The owner or keeper of any livery or other stable, barn or shed within the limits of this city shall keep the same and the yard thereto clean, and

* As amended October 7, 1907.

shall not permit between the first day of May and the first day of the succeeding November of each year, more than two cart loads of manure to accumulate in or near the same at any one time.

SEC. 8. No person shall wash horses or other animals or wagons, carriages or other vehicles, in any street, lane, alley or other public place of this city, or in such a place and manner that the water used in such washing shall flow into or upon any sidewalk or street, alley or other public place of this city. And no person shall permit any green or salted hides belonging to or in the care or control of him or her to remain on any sidewalk or in any street, alley or other public place of this city longer than one hour at any one time.

SEC. 9. Any person who shall be found guilty of violating any of the provisions of this ordinance, or of failing to obey any reasonable direction or instruction of the board of health given under the authority herein granted, shall be punished by a fine of not more than one hundred dollars or by imprisonment in the Detroit house of correction, the city lock-up or the Washtenaw county jail for a period of time not to exceed ninety days; or by both such fine and imprisonment in the discretion of the court.

This ordinance shall take effect and be in force on and after ten days from legal publication.

An Ordinance to Prohibit and Punish the Practice of Spitting and Expecterating upon and Throwing Banana and Orange Peelings upon the Sidewalk of any Street or Alley, Park or Public Grounds, or upon the Floors, Stairs or Steps of any Public Hall, Theatre or Public Building Frequented by the Public, or upon the Floors of any Street Cars or Other Vehicles Used for Public Travel Within the City of Ann Arbor.

(Passed November 17, 1902; approved November 22, 1902.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. It shall be unlawful within the City of Ann Arbor for any person or persons to spit, expectorate or throw any banana or orange peelings upon any sidewalk or walk upon any of the streets, alleys, public grounds or parks of said city, or upon the floors, stairs or steps of any public hall, theatre or public building frequented by the public, or upon the floors of any street car or other vehicle used for public travel.

SEC. 2. Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than one (\$1.00) dollar or more than ten (\$10.00) dollars and costs of prosecution, or by imprisonment in the county jail not more than thirty days; or by both such fine and imprisonment in the discretion of the court.

SEC. 3. This ordinance shall take effect on and after ten days from legal publication.

**An Ordinance to Regulate and Control the Selling of
Milk Within the City of Ann Arbor, and to License
Venders Thereof, and to Regulate the Care of the
Cows from which Milk is Sold, and for the Inspec-
tion and Examination of Dairies and Dairy
Herds, and of Milk.**

(Passed March 14, 1904; approved March 22, 1904; amended April 18, 1904.)

*The Common Council of the City of Ann Arbor or-
dain :*

SECTION 1. That on or after May 1, 1904, no person or persons shall sell, barter or traffic in milk within the City of Ann Arbor, without first having been licensed to do so by the city clerk of said city.

SEC. 2. Any person or persons desiring to sell, barter or traffic in milk in the City of Ann Arbor, shall first procure a license as hereafter provided, and shall be granted a permit therefor upon the payment of the following license fees: For the selling of milk from wagons or sleighs, five (\$5.00) dollars per year or any part thereof; from milk carts propelled by hand and cans carried by hand, and from all other places where milk is sold, one (\$1.00) dollar per year or any part thereof: *Provided*, however, that where more than one milk wagon is owned, operated or controlled by the same person or firm that a license fee of two (\$2.00) dollars shall be charged for each additional wagon or sleigh. Said license fee to be paid to the city treasurer, who shall issue his receipt therefor; said receipt to be presented to the city clerk, who shall issue a license; said license shall continue and be operative until the first day of May, following the date of such issue, unless sooner revoked as herein-after provided. Said license shall not be transferable except by permission of the city clerk.

SEC. 3.* The city clerk shall not issue any such license unless the applicant therefor presents a statement in writing which shall state fully and explicitly:

First—The name and residence of said applicant.

Second—The name and residence of the driver or person delivering the milk to his customers.

Third—The exact location or place from which said applicant obtains his milk, including the names and locations of all persons from whom he obtains milk.

Fourth—The number of cows in his herd, if a producer in whole or in part and the number of cows in any other herd from which he obtains milk.

Fifth—The manner in which said applicant intends to dispose of his milk when licensed. Said applicant shall also present a written consent from each person from whom he obtains milk, granting permission to the health officer of said city, his representative or any member of the Board of Health of the City of Ann Arbor, free and open access to his or her dairy or premises for the purpose of making an inspection of the premises or herd, and upon the consent of the owner of said herd applying the "tuberculin test" as hereinafter provided.

Provided, That in case of any sudden or unexpected demand for milk, which may reasonably be expected to exceed the ordinary supply, then, and in that case, any person holding a license as provided for in this ordinance may, and he is hereby authorized to purchase the needed extra supply of any person or persons who will, before said milk is sold to said dealer, sign the written consent hereinbefore in this section provided for. And *Provided* further, That said dealer or dealers, so purchasing said milk as aforesaid, shall, before distributing or delivering said milk or any portion thereof, present a sample of said milk

* As amended April 18, 1904.

so purchased as aforesaid, to the health officer aforesaid, for inspection, and obtain from said health officer a certificate that said milk contains no substances deleterious or dangerous to health.

The City Clerk shall not issue any such license unless the Health Officer is satisfied with the sanitary conditions of the stables and premises where the cows are kept by the applicant and his approval affixed to the application of said applicant. The City Clerk may, at any time, revoke the license of any vender of milk, cream, skimmed milk or buttermilk if upon investigation and report of the Health Officer he shall find the herd, stables where the cows are kept or the condition of the licensee's wagon, vehicle, containant or person, cows or milk offered for sale to be deleterious or dangerous to the public health.

SEC. 4.* It shall be the duty of the City Clerk to enter on the back of each application, the name of the applicant to whom a license has been granted, together with the date thereof, and to keep the same on file and at all times subject to inspection, and it shall be the duty of the milk inspector to cause to be inspected the dairy and dairy herd of every such person so applying for a license, or who has obtained a license and the dairy and dairy herd from which such applicant obtains his milk for sale or consumption within said City without unnecessary delay and to cause to be made by a competent person or persons, under the direction of said inspector whenever in his judgment such examination may be necessary or when ordered so to do by the Common Council or Board of Health, an examination of each and every animal producing milk for sale or consumption within said City belonging to or controlled by said licensee, or by any person or persons from whom said licensee obtains his milk for the purpose of ascertaining the

* As amended April 18, 1904.

presence or absence of tuberculosis or any other contagious or infectious disease. The owner of any dairy herd may ask, demand and require said inspector to make the inspection or examination of his herd, without cost or expense to said owner, what is known as the "Tuberculin Test," a diagnostic agent for the detection of tuberculosis in such animals. But no such Tuberculin test shall be made except upon the consent of the owner of such animal or animals. After such inspection and examination for tuberculosis said inspector shall, at the request of the owner of such herd, tag each and every animal so examined, which tag shall state the result of the examination as regards the presence or absence of any contagious or infectious disease. Said owner, or the licensee who obtains milk from said owner, may show that said herd has been subjected to said Tuberculin Test, either on his delivery wagon, or place of business, for the purpose of advertising the same, and said inspector shall file a report of the result of the examination and inspection, as herein provided for, with the City Clerk, which report shall also state what disposition if any has been made by said licensee or the persons from whom said licensee obtains his milk of the cows which are found to be affected with any contagious or infectious disease and whether or not any such diseased animals are used for the production of milk to be consumed in said City. Every applicant to at once notify the City Clerk and inspector of any change of his location or residence.

SEC. 5. Any person so receiving a license shall cause his name, his place of business and the number of his license to be legibly placed and kept in a conspicuous place on the outside of all wagons, sleighs or other vehicles used by him in the distribution or sale of milk; and all licensees who sell milk from stores, dairies or creameries shall have such license constantly in a conspicuous place upon the wall of

the room within which such sale of milk is carried on, and any person selling from cans carried by hand shall cause his name and number of his license to be posted on said can.

SEC. 6. No person shall offer or expose for sale, or sell or deliver for sale or consumption, whether licensed under this ordinance or not, any unclean, impure, unhealthy, unwholesome or adulterated milk, or any milk from any farm, any dairy or any herd during the prevalence of any contagious or infectious disease in the family of any person connected with the care of said dairy herd or delivering milk from the same. No persons shall keep cows for the production of milk for sale or consumption in the city of Ann Arbor, in an overcrowded condition or in stables which are not properly ventilated or which are filthy from an accumulation of animal refuse or any other cause, and all stables in which cows are kept shall be whitewashed at the option of the inspector at least twice a year; nor shall any milk be drawn from cows which are themselves in a condition of filth or uncleanness, or from cows which are affected with tuberculosis or from any other disease, or from cows which are supplied with food or water which is impure or unwholesome, and all milk thus produced is hereby declared unclean, impure, unhealthy and unwholesome milk; nor shall any dealer in milk selling milk, nor his agents, bottle, cause to be bottled any part of his milk supply upon the delivery wagon nor at any place other than his milk house; and any milk which is shown by analysis to contain any substance or substances of any character not natural or normal constituents of milk, or to have been deprived either wholly or in part of any of the constituents naturally or normally contained in milk, or which has been diluted with water, or which is shown upon analysis to contain more than eighty-seven and fifty-one hundredths per cent of watery

fluids, or contain less than twelve and fifty one hundredths per centum of milk solids, or less fat than three per centum, or if the specific gravity at 60 degrees Fahrenheit is not between one and twenty-nine one hundredths to one and thirty-three one hundredths it shall be deemed and is hereby declared to be adulterated milk, and its sale within the City of Ann Arbor is prohibited.

SEC. 7. It shall be the duty of said inspector of milk to inspect or cause to be inspected or analyzed whenever he may deem the same advisable, any milk which shall be kept or offered for sale within the city of Ann Arbor, and for that purpose he shall have free access to all places where milk is kept for sale to obtain sufficient samples of such milk for the purpose of making such inspection, examination or analysis, and every person selling milk in said city shall upon request forthwith furnish free of charge to said inspector all such necessary samples of milk for such inspection, analysis and examination; and that the Board of Health or its representative shall deliver to the owner of said milk a sealed sample of the same; and said inspector shall make such inspection whenever the Board of Health requires him to do so of any milk offered for sale in the said city as may be deemed necessary for the public health; and no person shall refuse said inspector entrance to his premises for that purpose nor shall he conceal any milk so kept for sale from examination by said inspector. Nor shall persons refuse to permit any milk or animal or premises whereon the animals are kept to be viewed and inspected as herein provided, or in any manner hinder or resist said inspector or any person under him in the performance of his duty, and such refusal, either by the licensee or the owner of any cow from whom he obtains milk shall be sufficient grounds for the city clerk to revoke the license issued.

SEC. 8. No person shall have in possession with

intent to sell, offer or expose for sale or deliver for sale or consumption in any store or place of business or from any wagon, sleigh or other vehicle, or in can or in package, any milk commonly known as skim milk or buttermilk without first procuring a license for the same, in accordance with the provisions of this ordinance, and secondly, without marking the can or package containing said skim milk or buttermilk from which milk is delivered to the purchaser or consumer with the words "skim milk" or "buttermilk," according to which is offered for sale, in large, plain, black letters. Said words to be in English and on top or side of can in such position as to be easily seen when said milk is delivered to the customer.

SEC. 9. The health officer of the city of Ann Arbor is hereby appointed inspector of milk in and for the city of Ann Arbor, with power and authority to appoint such assistants, analyzers and subject to the approval of the board of health, at such compensation as may be approved by the common council. And it shall be the duty of the milk inspector to file a complete record in writing of his proceedings, as inspector or collector of samples, giving a full and accurate account of all inspection made under the provisions of this ordinance. The board of health of the city of Ann Arbor is hereby authorized and empowered to furnish all necessary blanks and books of record and apparatus necessary to carry out the provisions of this ordinance and make and promulgate such rules, regulations and requirements as may be thought necessary to assist the inspector of milk or his assistants, in properly executing the duties of the same.

SEC. 10. All milch cows shall be kept clean and well bedded and dirt or filth upon the udder shall be washed off with warm water.

SEC. 11. Cows must be supplied with an abundance of good drinking water at least twice daily.

SEC. 12. All receptacles from which milk is sold by any dealer shall be thoroughly scalded before being used again as such receptacle.

SEC. 13. The leaving of milk bottles knowingly or other receptacles of milk at any place at which there is an infectious or contagious disease will be sufficient cause for the revoking of the dealer's license.

SEC. 14. No persons having discharging sores upon their hands or running sores upon their bodies or having chronic lung trouble will be permitted to milk cows whose milk is sold in the city of Ann Arbor.

SEC. 15. All so-called milk tickets shall be issued by the licensee in perforated sheet form or in some other similar manner, to be detached by the consumer in exchange for milk, and when so received by the licensee for milk delivered they shall be burned or destroyed. No ticket in exchange for milk shall be used the second time.

SEC. 16. Dealers in retail of milk shall be held and deemed to include all persons who sell, barter or traffic milk in quantities of less than five gallons at any time to any person or persons.

SEC. 17. It shall be the duty of the health officer to make complaint in writing before the justice of the peace of the city of Ann Arbor of any violation of this ordinance coming to his knowledge.

SEC. 18. Each violation of any of the provisions of this ordinance shall be construed to be a separate and complete offense, and for each violation on the same day or on different days the person so offending shall be liable to the penalties herein provided.

SEC. 19. Any person who shall violate any of the provisions of this ordinance shall, on conviction, be punished by a fine of not more than \$100 and cost of

prosecution, and the court before whom such conviction shall be had may make a further sentence that in default of the payment of such fine and costs within a time to be fixed by said court, the person so convicted shall be imprisoned in the county jail until such fines or costs be paid, for a term not exceeding ninety days.

SEC. 20. This ordinance shall take effect and be in force on and after ten days from legal publication.

An Ordinance Relative to Garbage to Regulate the Collection and Disposal Thereof, and to Prohibit Hogs and Hog-Pens Within the Limits of the City of Ann Arbor.

(Passed July 16, 1906; approved July 18, 1906.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. For the purpose of this ordinance the word "garbage" shall be held to include every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storing of meats, fish, fowl, birds, fruit or vegetables; it shall also be held to include swill and kitchen and table refuse of every kind excepting dish water or waste water.

SEC. 2. No garbage shall hereafter be burned on any street, alley, common, or public place within the limits of said city; nor shall any person place garbage upon any private property, whether owned by such person or not, unless the same shall be enclosed in proper vessels or receptacles as provided in this ordinance.

SEC. 3. It shall be unlawful for any person or persons to throw or deposit, or cause to be thrown or

deposited, any garbage upon any street, alley, gutter, sidewalk, or public ground of said city.

SEC. 4. It shall be the duty of every tenant, lessee, or occupant of any dwelling house, boarding house, hotel, restaurant and place of business of any kind having garbage to be disposed of, to provide and at all times to keep within such building, or on the lot on which such building is situated, suitable and sufficient vessel or vessels having a capacity not exceeding twenty gallons with bails and handles and with close fitting covers thereto, for receiving and holding, without leakage or odors, all the garbage that may accumulate between the times of the collection thereof as the same shall be fixed by the common council. Such vessels shall be filled only to within four inches of the top, and shall be placed in such places as shall be readily accessible at all times for purpose of removing or emptying the same (upon the line of an alley whenever possible or convenient) and where said vessels shall not be a public nuisance in any respect, or be placed in the limits of any street or alley.

SEC. 5. It shall be the duty of each tenant, occupant or lessee, having garbage to dispose of, to place in such vessels all garbage accumulating on his or her said premises, between such times of removal thereof as may be established by the common council, and nothing but garbage, as defined in this ordinance, shall be placed in such vessels.

SEC. 6. The board of health shall be the exclusive judge of the sufficiency of vessels and receptacles for garbage provided for by this ordinance.

SEC. 7. All garbage deposited in said vessels and receptacles shall be removed at the expense of the city of Ann Arbor at such regular intervals as may from time to time be established.

SEC. 8. The board of health shall have the power to establish such rules and regulations not inconsis-

ent with this ordinance governing the collection and disposal of garbage as may appear necessary for the preservation of the public health and safety. Such rules and regulations, when made and published, shall become and are hereby made part of this ordinance, and anyone violating such rules and regulations shall be amenable as in this ordinance ordained.

SEC. 9. Said city of Ann Arbor may contract for the removal and disposal of said garbage and in doing so may divide the city into districts, if it appears expedient or desirable to do so, and may enter into separate contracts for each district. The letting of such contract, or contracts, may be referred to the board of public works and in such case it shall be the duty of said board to advertise for bids for collecting and disposing of said garbage for such length of time and under such conditions as shall be prescribed by the common council, and in accordance with this ordinance and such rules and regulations as may be adopted by the board of health. Said board of public works shall contract therefor with the lowest responsible bidder, or bidders, who shall enter into such bond or bonds for the faithful performance of said contract as shall be prescribed by the common council. *Provided*, That the term of such contract shall not in any case exceed three years.

SEC. 10. It is hereby made the duty of the contractor, or contractors, with the city of Ann Arbor for the collection and removal of garbage, to collect and remove in accordance and contract of the city all such garbage found within the city limits. Such contractor, or contractors, shall transport and remove said garbage to places outside and at least one-fourth mile beyond the city limits. The kind of conveyance to be used in transporting said garbage may be specifically provided for by contract as the common council shall direct, but shall be such at least as will be

suitable for the purpose and to securely convey garbage so that no portion thereof shall be spilled out, or dropped or thrown upon any street or alley or adjacent premises within the city, or anywhere within one-fourth mile of the city limits; nor shall the same be kept or stored upon any street or alley or public place except as in this ordinance provided; wagons or other conveyances used by contractors shall not be left in any street, alley or public place, or upon any private premises within the city longer than may be reasonably necessary in order to collect and remove the garbage; any such contractor may dispose of the garbage collected as feed for hogs, but only to hogs that are kept at least one-fourth mile from the city limits.

SEC. 11. No other person or party except the city contractor, or contractors, shall carry, convey or transport through the streets, alleys or public places of the city of Ann Arbor any garbage as herein defined except by the permission of the board of health. *Provided*, that in no case shall garbage be carried in any other kind of wagon than stated in this ordinance or for any less distance than as provided in this ordinance; and it shall be unlawful for any person to interfere in any manner with the collection and disposal of such material by the city contractor, or contractors.

SEC. 12. The keeping of hogs or maintenance of hog-pens within the city limits is hereby declared to be a public nuisance, and the same shall be and hereby are absolutely prohibited within the limits of said city. All persons who shall hereafter keep hogs, or maintain hog-pens within the limits of said city shall be amenable to the penalty provided for violation of this ordinance as hereinafter set forth.

SEC. 13. The collection and removal of garbage shall be under the supervision of the board of health.

And it is hereby declared to be the duty of the board of health and police department, through their proper officials and agents, to enforce the provisions of this ordinance.

SEC. 14. Any person guilty of any of the acts forbidden by this ordinance, or throwing poisonous substances or broken glass into garbage, or failing to perform any of the duties imposed herein, or who shall violate any of the provisions of this ordinance or the rules of the board of health in reference to the same, shall, upon conviction, be fined in such sum as the court may determine, not exceeding one hundred dollars; and in case of default in the payment of such fine the court may make a further sentence that the offender be imprisoned in the county jail of Washtenaw county, or any jail or lockup of said city, until such fine and costs be paid. *Provided*, Such imprisonment shall not exceed thirty days.

SEC. 15. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be in force and effect ten days after its legal publication.

CEMETERIES.

An Ordinance for the Protection, Management and Government of Cemeteries and Burial Grounds.

(Passed May 11, 1863.)

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor:

SECTION 1. That if any person or persons shall wrongfully and maliciously destroy, remove, deface or injure any fence, gate or other structure to, or around or inclosing or forming any part of the inclosure of any burial ground or cemetery in this city, or shall willfully and improperly destroy, remove,

mutilate, cut, break, mar, deface or injure any tomb, monument, gravestone, or other structure or thing of any kind placed or designed for a monument for a memorial of the dead, or any fence, railing, ledge, curb, seat or other structure, tree, shrub, plant, flower or thing that shall have been intended, placed or left for the protection or ornament of any block, lot or ground, tomb, grave, monument, gravestone or other structure hereinbefore mentioned, in any inclosed cemetery or burial ground in this city, or shall willfully injure or trample or go upon any grave or block or lot, inclosure, plot or parcel of land in any cemetery or burial ground within this city, that shall at the time have been laid, graded and turfed, or otherwise worked and improved by or for any person, family, persons or association as and for a place for the burial of the dead, or as a memorial of any deceased person or persons (except by permission of the owner of such improvement, or in or along an alley, walk or passage way, or place laid only and intended for a walk or passage way on or through such improved grounds), the persons so offending shall or may, upon conviction thereof before any justice of the peace residing in this city, or before any court having jurisdiction of the offense, be punished by a fine not exceeding twenty-five dollars, or imprisonment in the county jail not exceeding thirty days, or by both, in the discretion of the court or justice before whom the offender shall be tried.

SEC. 2. That a sexton for each public burial ground in said city may be appointed by the common council, who shall hold his office for one year, and until removed by the common council, or until his successor shall be appointed.

SEC. 3. That the following rules and regulations for the protection, management and government of Forest Hill Cemetery only, in said city, be and the same are hereby made and prescribed, to-wit:

No person shall ride or drive in any of the grounds within the inclosure of said cemetery (it being that part of the west half of the southeast quarter of section number twenty-eight, in township number two south, in range six east, in the State of Michigan, lying north of the Geddes road), except in and along the avenue, and in and along such paths as may be graded and graveled for that purpose, and designated by a guide-board or sign pointing them out as "carriage paths," nor along any avenue or carriage paths faster than a walk.

No horse or team shall be fastened or hitched in said cemetery, except at a post provided for that purpose, or left unhitched therein without a keeper. No person or persons visiting said cemetery shall take any dog or firearms or refreshments into said cemetery, or discharge any firearms therein, or in any manner attempt to destroy, frighten or injure any bird or other animal therein.

No person shall take in the cemetery any flowers except for the purpose of leaving them therein, and no person shall pick or gather any cultivated flower in said cemetery, or remove, break, cut or mark any tree, shrub, or plant, or any branch or part thereof, or anything growing or being thereon, nor shall any person take any flowers from the said cemetery.

No person shall throw or put anything in any pond, basin or reservoir of water in said cemetery, or in any manner disturb, soil or render unclean or impure the water in any such pond, basin or reservoir.

If any such person or persons shall violate any of the rules or regulations prescribed in this section, the person or persons so offending shall or may, upon conviction thereof before any justice of the peace residing in this city, or before any court having jurisdiction of the offense, be punished by a fine not exceeding five dollars, or by imprisonment in the county jail not exceeding ten days, or by both, in the discre-

tion of the court or justice before whom the offender shall be tried.

These rules and regulations shall not apply to the superintendent while in the performance of his duties in the cemetery, nor to any act done by any person or laborer in the cemetery under the direction of the superintendent or of the board of officers of the cemetery company, or of any committee thereof, nor to any act properly done by any lot holder, or any one under his directions, on the lot of such holder.

SEC: 4. Persons visiting the cemetery shall in all respects observe the proprieties of a place consecrated to the tender associations between the living and the dead they have lost and mourn; and if any person or persons shall commit any trespass in the cemetery, or violate any of these rules and regulations, or conduct or converse in a rude, boisterous, unseemly or improper manner, the superintendent or any person employed by the cemetery board, or any committee thereof having charge of the grounds at the time, may remove and keep out any and every such offender from the cemetery grounds.

**An Ordinance Relative to the Management and Control
of Fairview Cemetery.**

(Passed January 9, 1905; approved January 17, 1905.)

*The Common Council of the City of Ann Arbor Or-
dain:*

SECTION 1. That the Cemetery Committee of the Council shall have the management and control of Fairview Cemetery. Said Committee shall have power to employ a sexton to take charge of said cemetery and to remove and discharge him at will, but the salary of the sexton, so appointed shall be fixed by resolution of the Common Council. The work of the sexton shall, at all times, be done under the direction

of said committee. Said committee shall have power to change, fix, and establish the price of the sale and care of graves and lots, and remove, subject to the approval of the Common Council, all unknown bodies to some certain place in said cemetery set aside for that purpose.

SEC. 2. Any person, or persons, desiring to purchase a grave or lot in Fairview cemetery, after selecting and before using same, shall pay to the City Clerk not less than one-half the price of said grave or lot and give an endorsed note satisfactory to said Clerk, for the balance, payable to the City of Ann Arbor, and due within one year, with interest at the rate of six per cent per annum. And upon the full payment of the purchase price of such lot the Mayor and City Clerk shall execute, in the name of the City of Ann Arbor, a deed of such lot and deliver same to the purchaser thereof.

SEC. 3. Any person who shall pay not less than twenty-five dollars for the care of his lot, or fraction of not less than one half of a lot, will be entitled to a voucher, signed by the City Clerk, that the City will assume the care of such lot, keeping the same clean and in good order, and the monuments thereon in repair without further charge. Ordinary wear, unavoidable accidents and damage by the elements excepted.

SEC. 4. All persons desiring to bury friends or relatives in Fairview cemetery must file an application with the City Clerk for a burial permit, such application to be accompanied by a fee of five dollars for an adult, three dollars for a child from the age of five years to twelve years, and two dollars for a child under five years of age, to cover the expense of digging, and filling and sodding the grave.

SEC. 5. Assessments of one dollar shall be made annually on the 15th day of May for the care of each

lot and notices of such assessments shall be given all lot owners by the City Clerk. Each lot owner, paying such assessment, shall be entitled to have his lot mowed and cleaned off four times in that year, if necessary, and for each additional mowing and raking twenty-five cents, for filling with good soil and watering each vase during the summer and reversing the same during the winter, fifty cents.

SEC. 6. All foundations for monuments and markers erected in said cemetery shall be made of concrete consisting of eight parts good, clean gravel and one part Portland cement not less than five feet deep for monuments and three feet deep for markers, the work to be done under the supervision of the sexton, and to be paid for by the lot owner or the person erecting the monument.

This ordinance shall take effect and be in force on and after legal publication.

SEWERS.

An Ordinance Relative to Sewers; Provided for the Construction of a System of Lateral and Connecting Sewers in the City of Ann Arbor.

(Passed May 21, 1894; approved May 23, 1894; amended January 3, 1899; amended August 17, 1903; amended March 12, 1906; amended March 18, 1907.)

The Common Council of the City of Ann Arbor Ordain :

SECTION 1. There shall be constructed within the city of Ann Arbor a system of lateral and connecting sewers, in connection with the main sewer, according to the plans and map thereof made by Charles E. Greene and modified by the common council: *Provided, however,* That the common council shall have power and authority to change and modify the said plans.

SEC. 2.* Lateral sewers shall be deemed to consist of the central sewer pipe and extension thereof to the curbline on either side of the street, lane, alley or public place, through and along which the said lateral sewer may be constructed. *Provided, however,* That the Common Council in ordering or contracting for the construction of such public improvement may omit in its discretion the extensions thereof to the curb stone on either side of the street, lane, alley or public place through and along which the said lateral sewer may be constructed.

Sub-lateral sewers shall be considered and deemed to consist of laterals extending from the principal lateral to and into side or intersecting streets and to or near unto the center of the blocks fronting or abutting the streets in which the principal lateral is or may be constructed and shall be deemed a part and parcel of the principal lateral.

Connecting sewers shall be deemed to consist of the sewer pipe, and house connections from the building to the lateral at the curbstone.

Wherever the word street is used in this ordinance or in any resolution, order or direction for the construction of any lateral sewer, it shall be deemed and understood to embrace streets, avenues, lanes, alleys, parks, and other public grounds, the same as though named specifically herein, or in any such order, resolution or direction.

SEC. 3. Lateral sewers and all proceedings relating thereto shall be designated by consecutive numbers in the order of the date of the passage of the resolution requiring construction.

SEC. 4. The main, lateral, sub-lateral and all public sewers shall be in the charge and under the control of the board of public works, or such other board or persons as shall or may be authorized by law;

* As amended March 18, 1907.

and it shall be the duty of the board of public works or such other person, to inspect, properly and suitably protect and maintain all of the public sewers now or hereafter constructed within the limits of the city, and no person, firm or corporation shall make connection with any of said sewers, except by leave of and under the supervision of the board of public works; and the said board of public works is hereby authorized and empowered to ordain and establish suitable rules, orders and regulations to be approved by the common council, for the construction, preservation and maintenance of the main, all lateral and connecting sewers and house connections therewith, and to fix and determine the sum of money to be paid for connections with the main sewer when the main sewer is, by authority of the common council, authorized to be used as a lateral sewer.

SEC. 5. Whenever the common council shall deem it expedient to order the construction of any lateral sewer, the said common council shall so declare by resolution, naming the street in and along which it is proposed to construct the same; whereupon it shall be the duty of the city engineer to cause all needful surveys and measurements to be made, and report to the common council the starting point, direction and the place where any such lateral sewer will connect with the main sewer, the size and kinds of sewer pipe required, a full, complete and detailed estimate of the cost thereof, showing the cost of the street crossings separately, together with a map of the route thereof, showing among other things all of the lands, lots or parts of lots fronting on or adjacent to the same.

SEC. 6. In estimating and fixing the cost of lateral sewers, sub-laterals and the street crossings thereof, the city engineer shall estimate the cost of street crossings at the cost and expense of the sewer

pipe laid; and all man-holes and other extras, although the same shall or may be laid at the crossing of two or more streets, shall nevertheless be deemed to be a charge on the special assessment district as a part of the principal and sub-lateral sewer.

SEC. 7. Every such resolution and report of the city engineer shall be referred to a committee of the common council, which shall make due inquiry relating thereto, and after hearing all persons interested therein, appearing and desiring to be heard, shall make a report thereon to the common council; and the common council shall, if the construction of any such lateral sewer shall still be deemed expedient, order and direct the board of public works to cause any such lateral sewer to be constructed and shall fix and determine the district to be assessed and charged with the cost and expense of the construction of the same, excepting street-crossings only, which shall be a charge on and against the general sewer fund, and which resolution of the common council shall be certified to the board of public works and to the city assessor respectively.

SEC. 8. That after the certificate of any such resolution to the city assessor, the city assessor shall without delay proceed to make, fill out and complete a special assessment roll, wherein and whereon he shall set down, alphabetically arranged, the names of all the owners or occupants of the land contained within any such special assessment district, and all of the lands situate therein, well and sufficiently described, and shall estimate and determine the value of each parcel thereof, without considering any of the improvements erected thereon other than as such improvement together with adjacent improvements may or shall have increased or diminished the value of such lands; all such land to be estimated at its true cash value. That after the completion of any such special assessment roll, the said city assessor shall

attach his certificate thereto and certify the said assessment roll to the common council, whereupon the common council shall fix and appoint a time, when sitting as a board of review the said assessment roll shall be reviewed, and the said common council shall give at least seven days' notice thereof by publication in the official newspaper of the city. The common council on the day and at the time mentioned in any such notice shall meet at the council chamber, sitting as a board of review, and shall proceed without adjournment to review any such special assessment roll. The common council sitting as such board of review shall have power and authority to change any description of land contained therein, and the estimate of value thereof, to add thereto lands omitted therefrom, and place a just estimate upon the value of the same, and to do and perform any other act or thing whatever in and about any such special assessment roll, to the end that every such special assessment roll shall be made just, true and fair; that any person interested therein may be heard in person, by his agent or attorney, and all matters of complaint shall be duly considered, and after any such special assessment roll shall have been duly considered, the board of review shall approve or reject the same, and shall certify their determination to the common council, and the common council, at the then or the next session, shall confirm any such special assessment roll so approved by the board of review, and shall order the sum or sums of money fixed and determined upon as the estimated cost of any such lateral sewer, street crossings excepted, to be assessed and spread upon any such special assessment roll and on and upon each and every regular annual assessment rolls of the city for the year in and during which any such special assessment shall or may be payable, and levy and assess against the owners or occupants of the lands set down therein, and shall levy and assess the

said sum or sums of money on, upon and against the lands set down in and valued upon any such special assessment roll and shall certify the said special assessment roll and order and resolution of assessment to the city assessor.

SEC. 9. After any such assessment roll and order of assessment shall be certified to the city assessor, the city assessor shall without delay proceed to spread the sum or sums of money mentioned in any such order of assessment upon any such assessment roll, and assess the same against the persons therein named and against the lands mentioned therein, according to the estimated value thereof, as determined by the board of review, and thereafter shall make a true copy thereof and certify the said assessment roll to the city treasurer, who shall have and retain custody of the same, and the taxes so spread on and assessed upon any such assessment roll and levied against the lands described therein shall be and remain a valid tax and charge against the owner and against the lands mentioned therein until paid. The said taxes shall become due and payable in four equal annual installments in the month of July along with the other city taxes next after any such assessment roll shall have been confirmed, and annually thereafter until fully paid. All of the said taxes shall draw annual interest from the date of confirmation of any such assessment roll at the rate of five per cent per annum until paid. Any person against whom any such tax shall have been assessed shall have leave and be at liberty to pay the same at any one payment at any time after any such assessment roll shall have been certified to the city treasurer, with interest from the date of confirmation only. The city assessor shall retain a copy of each assessment roll in his office.

SEC. 10. That on the third Monday in June in each and every year in which any such lateral sewer tax shall remain unpaid and be due and payable, the

city treasurer shall proceed to the city assessor's office and together with the city assessor shall stamp or mark "PAID" on the copy of every such assessment roll all of the paid lateral sewer taxes due and payable in and during the then current year, and the said city treasurer shall report all unpaid lateral sewer tax then due and payable; and the common council shall on the fourth Monday of June in each year certify to the city assessor, along with the other city taxes to be assessed, all unpaid and payable lateral sewer taxes and all money required to be raised for the construction of all lateral sewers, for the then current year and also in a general way a description of the lands by reference to the number of the lateral sewer district to be taxed therefor; and the city assessor shall thereupon spread upon the general city tax roll of that year all such sums of money so remaining unpaid and payable, and so required to be raised for the construction of any such lateral sewers, all such sewer taxes to be carried out and entered in a separate column on said general tax roll with the interest thereon as aforesaid, the tax in one column and the interest thereon in another column, the general city tax roll to be properly ruled and printed for that purpose, and such columns to be entitled respectively, "Lateral Sewer Tax" and "Interest on Lateral Sewer Tax." And the sum or sums of money so set down and spread upon any such general city tax roll, shall be, remain and continue a valid debt, demand and tax against the person, and a valid tax on and against the lands so assessed as aforesaid, until fully paid; and shall be certified to the city treasurer and collected in the same manner in every particular as the other taxes set down and spread upon such general tax roll are, shall or may be collected.

SEC. 11. All lands situate within any such special assessment district without regard to the purpose or use for which the same are, have been or may be de-

voted, excepting only lands belonging to the state, county or city, and excepting also such lands as shall or may have been exempted from lateral sewer tax on account of the construction of the main sewer, shall be and shall remain and be liable to be assessed and taxed for and shall contribute to the expense of the construction of lateral sewers.

SEC. 12. After any such resolution of determination to construct any lateral sewer shall have been certified to the board of public works, the board of public works shall proceed without delay to obtain all necessary information, maps, estimates, plans and specifications for the construction of such lateral sewer, and shall advertise for tenders for the construction thereof, and shall contract therefor with the lowest responsible bidder, who shall give reasonable security for the faithful performance of his contract. The contractor shall do all the work and furnish all the material, and all contracts shall contain provisions requiring such lateral sewers to be constructed of first-class material and workmanship, and under the direction and to the satisfaction of the board of public works and shall require all work to be completed at a specified time and without unreasonable delay. All contracts and bonds for the faithful performance thereof shall be reported to the common council for confirmation and approval.

SEC. 13.* After the final determination of the common council, to cause any such lateral sewer to be constructed, and after the board of public works shall have concluded a contract for the construction thereof, the Mayor and City Clerk shall execute under their hands and the seal of the city, bonds of the City of Ann Arbor, payable to bearer in four equal annual installments, annually on or before the first day of August, thereafter, with interest not to exceed five

* As amended August 17, 1903.

per cent per annum, payable annually in sum or sums equal in amount to the estimated cost of the construction of any such lateral sewer, street crossings excepted. All such bonds shall be known as lateral sewer bonds, and be issued in series, conforming to the number of the lateral sewer on account of which any such bonds shall have been issued, and the City Clerk shall deliver the same to the City Treasurer, but no more than forty thousand dollars in amount of any such bonds shall be outstanding at any one time.

SEC. 14. Whenever any such bonds shall have been delivered to the city treasurer, he shall without delay proceed to sell the same for the best price obtainable, but none of said bonds shall be sold for less than the face value thereof.

SEC. 15. The city treasurer shall keep strict account of all the moneys so received on the sale of such bonds, and each of the said lateral sewers shall have in the treasurer's account a separate fund devoted thereto; and all the moneys obtained on the sale of bonds shall be applied to the payment of the cost and expense of the construction of the particular lateral sewer for which the same was issued, and all taxes paid on account therefor shall be devoted and applied to the payment of such lateral sewer bonds; and if there shall be any surplus moneys arising on the construction of any such lateral sewer, the same shall be applied to the payment of such lateral sewer bonds and to the refunding of a per cent. of all such lateral sewer taxes which may have been paid in full, equal to the per cent. of any such surplus, and a sum of money equal to the per cent. of any such surplus shall be remitted and deducted from the last installment of any such tax hereafter to be paid and collected; and if there shall be a deficiency, that is to say, if the estimated cost shall prove to be less than the actual cost, then an additional assessment shall

be levied and collected to make good and cover any such deficiency.

SEC. 16. It shall be the duty of, and the owner of each and every inhabited house or building, situated on or within any such lateral sewer district, shall, in accordance with the rules and regulations and under the supervision of the board of public works, connect any such inhabited building with the said sewer system, within six months from the date of the full completion of such lateral sewer in front of the lands upon which any such inhabited building shall be situated; and it shall be the like duty of the occupant of any such inhabited building in like manner to make, build and construct such sewer connections at the cost and expense of the owner, within and during the period of six months as aforesaid; and every such owner who shall neglect or for any reason fail to make, build and construct any such sewer connection within the time aforesaid, shall forfeit the sum of and be liable to a penalty of one dollar for each and every day thereafter during the continuance of such default, said penalty not to exceed one hundred dollars, to be sued for and collected in like manner as other forfeitures and penalties are collected, under and in pursuance of the charter of the City of Ann Arbor and the laws of the State of Michigan.

SEC. 17.* Any person who by himself, or by his agent or servant, shall open, change, shut off, or in any way meddle with any flush-tank or flush-tanks connected with said sewer system, or any lateral sewer, without the written authority of the Board of Public Works, shall upon conviction thereof, be punished by a fine not exceeding twenty-five dollars, including the costs of prosecution, or by imprisonment in the Washtenaw County jail for a period not

* As amended March 12, 1906.

to exceed thirty days, or by both such fine and imprisonment in the discretion of the court.

This ordinance shall take effect and be in force from and after the 6th day of June, A. D. 1894.

An Ordinance Relative to a Sanitary Sewer on Broadway and Wall Streets.

(Passed May 20th, 1907.)

Whereas, it is proposed to build a sanitary sewer on Broadway and Wall streets; and,

Whereas, such sanitary sewer, if constructed will necessarily be made use of to some extent for the purpose of a main sewer; and,

Whereas, it is a part of the original plan for a system of sewers in the City of Ann Arbor to have a main sewer in the Fifth ward; now, therefore,

The Common Council of the City of Ann Arbor ordain:

SECTION 1. Whenever the common council shall deem it expedient to order the construction of a sanitary sewer on Broadway and Wall streets, and proceedings shall be had as provided in "An Ordinance Relative to Sewers, providing for a system of Lateral and Connecting Sewers in the City of Ann Arbor," the common council may appropriate for the construction of said sanitary sewer such of the cost thereof as the common council shall deem it just for the city to pay in addition to the cost of the street crossings, and may make such appropriation by suitable resolution.

SEC. 2. The proceedings relative to the construction of such sanitary sewer shall be in accordance with an ordinance entitled, "An Ordinance Relative to Sewers, Providing for the Construction of a System of Lateral and Connecting Sewers in the City of Ann Arbor, passed May 21, 1894, approved May 23,

1894; amended January 3, 1899; amended August 17, 1903; amended March 12, 1906; amended March 18, 1907, in all respects except as herein otherwise expressed and provided.

This ordinance shall take effect and be in force on and after legal publication.

PAVEMENTS.

An Ordinance Relative to Street Pavements.

(Passed July 7, 1897; approved July 12, 1897; amended December 19, 1898; amended December 7, 1899; amended August 17, 1903; amended August 5, 1907.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1.* Whenever the common council shall be applied to in writing, signed by the parties owning a majority of the footfrontage of the real estate on the line of such street or alley or part thereof proposed to be paved, and which may be subject to assessment, for such pavement, to grade and pave any street or alley or part thereof, said common council may by resolution order that said street or alley, or part of a street or alley, within specified limits, and included in said application, shall be graded and paved, and shall thereupon refer the matter to the Board of Public Works.

SEC. 2†. Upon the reference to said Board of Public Works of any such resolution, said Board, with all convenient dispatch, shall determine as to the particular kind of material to be used for the proposed improvement and shall estimate in detail the quantity of materials, the probable cost and expense of such work and of the materials, which estimate shall disclose in a separate item the probable cost of such improvement within the lines of the intersection of all

* As amended August 5, 1907.

† As amended December 19, 1898.

cross streets and alleys, and make a record thereof in their office, and shall cause to be prepared, so far as necessary, plans and specifications for such improvement, and report such determination, and estimate, and plans and specifications, to the common council at its next regular meeting.

SEC. 3.* Whenever such plans and specifications and estimate have been submitted to the common council, by said Board of Public Works, it shall be the duty of the common council to examine the same, and approve or reject the same./

If said plans and specifications shall be approved by said common council, they shall declare by a resolution adopted by vote of a majority of all the members elect that said pavement is a necessary public improvement, and the matter shall again be referred to said Board of Public Works, and the approval of said common council made known to said Board.

SEC. 4.* Upon the reference to said Board of Public Works of the plans and specifications for such improvement so approved by the common council, said Board of Public Works shall proceed to advertise for proposals for the furnishing of the materials and the performance of the work of the construction of said pavement, in accordance with Section 137 of the Charter of the City of Ann Arbor; and all bids submitted to said Board shall be publicly opened by it, as soon thereafter as may be, shall be reported by the said Board to the common council, together with its recommendation in respect thereto; and no contract shall be made by the said Board until duly authorized by the common council.

SEC. 5.* Whenever the common council shall have approved the plans and specifications for any such pavement, and shall have authorized the execution by the Board of Public Works of a contract therefor,

* As amended December 19, 1898.

it shall by resolution declare that for the purpose of assessment to defray the expense of such improvement, the taxable lands and parcels of real estate which in the opinion of the common council are benefited by such improvement, specifying the same, and fixing the boundaries thereof, shall constitute a special assessment district.

SEC. 6.* After such determination the city clerk shall forthwith certify such resolution so fixing the boundaries of such assessment district, with the estimated cost of such improvement, exclusive of that portion of said improvement within the lines of the intersections of the cross streets and alleys, or such portions of said estimated cost less than the whole thereof as the common council may have determined should be assessed upon the owners of the taxable real estate benefited by such improvement, to the assessor of said city, who shall, without delay, proceed to make a special assessment roll, in which he shall set down all the lands and tenements situated in said special assessment district, liable to taxation, under the proper descriptions, and with the names of the owners or occupants, also the true cash value of the same, and shall be assessed to the owners or occupants of each and against each parcel of land so liable to taxation, such a sum of money as shall in his opinion equal the benefit to such parcel from such improvement.

SEC. 7†. After the certification of any such assessment district as provided in Section 6 of this ordinance, the common council may, at any regular meeting thereof, by a resolution adopted by a majority of all the members elect, authorize the mayor and city clerk to execute under their hands and the seal of the City of Ann Arbor, bonds of the said city pay-

* As amended December 19, 1898.

† As amended August 17, 1903.

able to bearer, in ten equal annual installments, payable annually on or before the first day of August in each year thereafter with interest not exceeding five per cent. per annum, payable annually, in a sum or sums equal in amount to the estimated cost of the construction of any such pavement.

All such bonds shall be known as "Pavement Bonds," and issued in series conforming to the number of the paving district, on account of which any such bond shall have been issued. All such bonds shall be delivered by the city clerk to the city treasurer.

Provided, That no more than one hundred and fifty thousand dollars in amount of any such bonds shall be outstanding at any one time.

SEC. 8.* Whenever any such bonds shall have been delivered to the city treasurer, he shall, without delay, proceed to sell the same for the best price obtainable, but none of such bonds shall be sold for less than the face value thereof.

SEC. 9.* The city treasurer shall keep strict account of all the moneys so received on the sale of such bonds, and each of the said pavements shall have in the treasurer's account a separate fund devoted thereto; and all the moneys obtained on the sale of bonds shall be applied to the payment of the cost and expenses of the construction of the particular pavement for which the same was issued, and all taxes, assessments or other moneys paid on account thereof shall be devoted and applied to the payment of such pavement bonds, and if there shall be any surplus moneys arising on the construction of any such pavement, the same shall be applied to the payment of such pavement bonds, and to the refunding of a per cent of all such pavement taxes and assessment which may have been paid in full, equal to the per cent of

* As amended December 19, 1898.

any such surplus, and a sum of money equal to the per cent of any such surplus shall be remitted and deducted from the last installment of any such tax thereafter to be paid and collected, and if there should be a deficiency, that is to say, if the estimated cost shall prove to be less than the actual cost, then an additional assessment shall be levied and collected to make good and cover any such deficiency.

SEC. 10.* That immediately after such special assessment roll shall have been completed, the said assessor shall, having certified his doings thereon, deliver the same to the city clerk, who shall number and entitle the same, and lay the same before the common council at the next regular meeting thereof. Pavements and all proceeding relating thereto shall be designated by consecutive numbers in the order of the date of the passage of the resolution requiring construction.

SEC. 11.* Whenever any such special roll shall be presented to the common council they shall at such meeting, or at the next meeting, fix and set a time for the review of the same, which shall be at the council chamber at two o'clock in the afternoon, not less than fifteen days nor more than thirty days therefrom. The city clerk shall forthwith cause notice of the time so fixed to be published in one of the newspapers of said city.

SEC. 12.* At the time so fixed for the review of said special roll, the common council shall meet at the council chamber as a board of review, at which time and at all other times to which the review of any such special assessment roll may be adjourned, any person interested may appear and be heard in person, or by agent, or attorney, and the common council, as such board of review, shall have power and authority to review such special assessment roll, to add to any

* As amended December 19, 1898.

tax or assessment thereon, or to reduce the same, and fully and fairly to equalize the taxes and assessments spread thereon, according to the benefits coming to each parcel of the same by such public improvements.

SEC. 13.* That after the common council sitting as such board of review shall have completed the review of any such special assessment roll, they shall so declare by resolution, whereupon at the next meeting of the common council the city clerk shall report the proceedings of the said board of review to the common council, when the question shall be "Shall the special assessment roll be confirmed?" which shall be determined in the affirmative only by a majority vote of all the aldermen elect.

Whenever any such special assessment roll shall have been thus confirmed by the common council, it shall be final and conclusive, and shall from the date of such confirmation be and continue a lien upon the respective lots, or parcels of land assessed and set down therein, and shall be a charge against the person or persons to whom assessed until paid.

SEC. 14.* After the confirmation of any such special assessment roll, it shall be the duty of the city clerk to certify the said assessment roll, together with the resolution of confirmation to the city assessor, who shall forthwith attach thereto his warrant directed to the city treasurer commanding him to collect from all, each and every of the persons assessed in said special assessment roll, the sum of money assessed to and set opposite his name therein. The said taxes or assessment shall become payable and due in four equal annual installments; the first installment in the month of July next after any such assessment roll shall have been confirmed along with the city taxes and annually thereafter until fully paid. All of the said taxes or assessments shall draw interest

* As amended December 19, 1898.

annually from the date of the confirmation of any such assessment roll, at the rate of five per cent. per annum until paid. Any such person against whom any such tax or assessment shall have been assessed shall have leave and be at liberty to pay the same or any installment thereof at any one payment at any time after such assessment roll shall have been certified to the city treasurer, with interest from the date of confirmation only: *Provided*, That at any time after a special assessment has become payable, the same may be collected by suit in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount.

In every such action, a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be "prima facie" evidence of the regularity of all the proceedings in making the assessment, and the right of the city to recover judgment therefor.

SEC. 15.* On the third Monday in June in each and every year in which any such paving tax or assessment shall remain unpaid, and be due and payable the city treasurer shall report to the city clerk all unpaid and payable pavement taxes or assessments, who shall report the same to the common council at its next regular meeting, and the common council shall on the fourth Monday in June in each year certify to the city assessor along with the taxes to be assessed for city purposes, all due and unpaid pavement taxes, or assessments; and the city assessor shall thereupon spread upon the general city tax roll of that year all such paving taxes or assessments so remaining due and unpaid: *Provided*, That all such pavement taxes or assessments shall be carried out; and entered in a separate column on such general tax

* As amended December 19, 1898.

roll with interest thereon as aforesaid, the tax in one column and the interest thereon in another column which shall be entitled respectively "Pavement Tax" and "Interest on Paving Taxes." And the sum or sums of money so set down and spread upon any such general city tax roll shall be, remain and continue a valid debt, demand and tax against the person, and a valid debt, demand and tax on and against the land so assessed as aforesaid, until fully paid; and shall be certified to the city treasurer and collected in the same manner as the other taxes set down and spread upon such general tax roll.

SEC. 16.* Whenever the common council shall determine that a street or alley shall be paved in the City of Ann Arbor, it shall be the duty of the Board of Public Works to serve or cause to be served a written or partly written and partly printed notice upon each and every one of the owners, occupants or agents of the property along the line of such street or alley where such pavements are proposed to be laid, requiring him, her or them, within thirty days from the date of such notice, to make connections with the main water and gas pipes and sewers that may be laid in said streets or alleys, except where such connections have already been made.

SEC. 17†. If along the line of said street or alley there is any vacant or unoccupied lot, lots or premises, and the owner, owners, agent or agents thereof cannot be conveniently found, the said Board of Public Works shall post such notice upon said lot, lots or premises.

SEC. 18.* In case of default or negligence on the part of any owner, occupant or agent to connect with the service pipe and sewers as aforesaid, or in case the notice posted on any vacant or unoccupied lot,

* As amended December 19, 1898.

† As amended August 5, 1907.

lots or premises, shall fail to come to the notice of the owner, owners, agent or agents thereof, and such notice has expired, or if such owner, owners, agent or agents shall not within thirty days make such connections, the city shall then cause such connections to be made, and the expense thereof shall be assessed upon the property for the benefit for which connection was made, and such assessment shall be a lien upon the said property until paid, and such lien shall have the same force and effect as is provided in case of other special assessments.

SEC. 19. This ordinance shall take effect and be in force from and after legal publication.

PARKS.

An Ordinance Relative to Parks, Boulevards and Lawn Extensions Within the City of Ann Arbor, Michigan.

(Passed October 7, 1907; approved October 16, 1907.)

The Common Council of the City of Ann Arbor ordain:

SECTION 1. No swine, goat, cattle or other animals excepting horses, shall be permitted on the roadways.

SEC. 2. No sleighs or sled shall be drawn on the roadways without sufficient number of bells attached to give warning of its approach.

SEC. 3. No fast driving or speeding permitted, except upon places set apart for the purpose.

SEC. 4. No placard, notice or advertisement of any kind or nature shall be distributed, posted or attached to anything movable or immovable on park or Boulevard property.

SEC. 5. No driveway connecting the Boulevard with any premise shall be constructed except by special permit of the Board.

SEC. 6. No bicycle, wheelbarrow, handcart or other vehicle or any horse or other animal shall be permitted on the foot-walks, sidewalks, grass plats or planting places.

SEC. 7. No sport or exercise shall be indulged in that is liable to frighten horses, injure travelers or embarrass the passage of vehicles.

SEC. 8. No gambling shall be permitted.

SEC. 9. No booth, tent, stall or other structure shall be erected for any purpose, and no hawking or peddling shall be done or article or thing exposed for sale except by permission of the Board of Park Commissioners.

SEC. 10. Picnics may be held in such parts of the Parks as shall be designated for that purpose, subject to such regulations as may be made by the Board, but no refreshments of any kind shall be permitted to be sold or offered for sale in connection therewith; and no person shall join any picnics without the consent of the persons of whom it shall be composed, or shall in any manner disturb or interfere with the same.

SEC. 11. No indecent exposure of person, disorderly conduct, noise, riot or breach of the peace, nor the use of obscene language will be permitted.

SEC. 12. No person shall solicit passengers for hire excepting upon special permit of the Board.

SEC. 13. No person shall enter any building, enclosure or space upon which the words "no admittance" or similar sign is posted.

SEC. 14. No person shall stand, walk, ride or lie upon any place laid out and appropriated for shrub-

bery or grass when there shall have been placed thereon a sign forbidding the same.

SEC. 15. No person wearing spiked or cleated shoes shall stand or walk upon any lawn or lawn extension in any public street.

SEC. 16. No person shall fire or discharge any gun or pistol; carry fire-arms, kindle or build fires or throw stones or other missiles.

SEC. 17. No person shall fire, discharge or set off any rocket, cracker, torpedo, squib or other fireworks or things containing any substance of an explosive character without written permission from the Board of Park Commissioners.

SEC. 18. No dead carcass, ordure, filth, dirt, stone, wood, ashes, garbage, matter, substance or rubbish of any kind shall be placed or deposited in any public park or space.

SEC. 19. No animal shall be tied to any tree, shrub, building or other park fixture in any public park, space or lawn extension, except as provided therefor.

SEC. 20. No tree, shrub, or plant shall be plucked, broken, trampled or climbed upon, peeled, cut, defaced, removed, destroyed or injured in any manner.

SEC. 21. No fence, bridge, building or other structure or property of any kind shall be defaced, cut, written upon, removed or in any manner injured or destroyed.

SEC. 22. No person shall dig, remove or carry away any sward, sand, earth or material of any kind.

SEC. 23. Intoxicated persons not permitted on Park property.

SEC. 24. No person shall molest or in any manner disturb or annoy the fish or other animals which may be placed in any fountain, pool or basin in any public park or space.

SEC. 25. The driveways of the parks known as "Cedar Bend Park" and "The Glen" or "Cedar Bend Ave." are hereby set aside for the exclusive use of horses and light carriages.

SEC. 26. No person or persons shall drive or propel any automobile or any other motor vehicle on the driveways of the parks known as "Cedar Bend Park" and "The Glen," or "Cedar Bend Ave."

SEC. 27. The person or persons in charge of the public parks or spaces shall have and possess the powers of policemen, and it is hereby made the duty of such person or persons to observe that the provisions of this ordinance are strictly complied with, and to make complaint to the Justice Court for any violation of its provisions.

SEC. 28. Any person violating any of the provisions of this ordinance shall be punished by a fine not exceeding fifty dollars for each offense, and on imposing such fine, the court may make a further sentence that in default of the payment of such fine, the offender may be imprisoned in the common jail for the County of Washtenaw until the payment thereof, for any period not exceeding thirty days.

This ordinance shall take effect and be in force on and after ten days from legal publication.

WATER

An Ordinance to Determine, Define and Fix the Rates to be Charged the Inhabitants of the City of Ann Arbor, for Domestic and Other Uses, by the Ann Arbor Water Company; and to Repeal an Ordinance Entitled: "An Ordinance to Determine, Define and Fix the Rates to be Charged the Inhabitants of the City of Ann Arbor, by the Ann Arbor Water Company, for Water for Domestic Purposes and to Repeal an Ordinance Entitled: 'An Ordinance to Determine, Define and Fix the Rates to be Charged the Inhabitants of the City of Ann Arbor for Water for Domestic and Other Uses, by the Ann Arbor Water Company,' Passed December 16, 1901, and Approved December 20, 1901."

(Passed March 12, 1906; approved March 16, 1906.)

Preamble.

Whereas, the Ann Arbor Water Company has contracted and agreed to furnish and supply the inhabitants of the City of Ann Arbor, water for domestic purposes at reasonable rates; and

Whereas, in the opinion of the common council, the rates now and heretofore charged the said inhabitants are still unreasonably high, therefore

The Common Council of the City of Ann Arbor ordain:

SECTION 1. That the rates to be charged the inhabitants of the City of Ann Arbor for water for domestic use by the Ann Arbor Water Company shall not exceed the following maximum rates annually:

DWELLING HOUSE RATES.

| | |
|--|--------|
| For ordinary household uses for a house of not exceeding four rooms occupied by one family | \$2.50 |
| For each additional room | .50 |

(The word "rooms" in this section shall not be construed to include alcoves, bath-rooms, cellars, furnace rooms, fuel-room, halls, laundry-rooms, store-rooms or pantry.)

| | |
|---|------|
| For each regular boarder..... | .25 |
| For one bath tub | 2.50 |
| For each additional bath tub | 1.00 |
| For one water closet (self closing) | |
| and wash bowl with faucet..... | 3.00 |
| For each additional water closet (self closing) | 1.00 |

For hydraulic pump, operated by city water, the Ann Arbor Water Company may charge schedule rates, herein fixed, for the fixtures served by such pump.

For hydrant in yard, where no domestic rates are paid and water is used for domestic purposes, three dollars in addition to the rates hereinafter fixed for lawn sprinkling.

SEC. 2. Any water consumer may place a meter in his premises for measuring water used for any purpose, subject to the inspection of the Water Company, or an officer designated by the mayor of the city for that purpose; such meter to be kept in good condition and repair at the expense of the owner or user, and the Water Company shall not be required to furnish water through a defective or imperfect meter, but in case of the refusal or neglect of any water consumer to keep his meter in repair, may charge for its service, the schedule rates herein provided.

Meter Rates.

For water measured by meter, the Water Company may charge and collect the following maximum rates:

For a daily consumption of less than 1,000 gallons, 20c per 1,000 gallons.

For a daily consumption of 1,000 to 3,000 gallons, 15c per 1,000 gallons.

For a daily consumption of over 3,000 gallons (provided that the minimum charge for water measured by meter shall be \$5.00 per annum) 10c per 1,000 gallons.

SEC. 3. For sprinkling purposes the Ann Arbor Water Company may charge the sum of four dollars per annum.

The sprinkling season shall extend from April 1st to October 31st of each year, and all persons paying sprinkling rates shall be entitled to the use of one stream of water through a three-sixteenth inch nozzle, or other fixtures discharging an equal quantity of water, under the pressure called for by the contract with the city, four hours each day during the sprinkling season; such hours to be determined by the Ann Arbor Water Company, but no such hours shall be fixed earlier than six o'clock a. m., or later than eight o'clock p. m. No sprinkling shall be done during a fire alarm.

SEC. 4. Building Rates:

| | |
|---|-----|
| For stone work, per each 16 1-2 cu. ft..... | 2c |
| For brick work, per M..... | 5c |
| For plastering, per 100 yards..... | 15c |
| For grouting, 100 cu. ft..... | 20c |
| For cement walk, 6 in. deep, 100 sq. ft..... | 15c |
| For cement cellar bottom, 4 in. deep, 100 sq. ft. | 15c |

Rates for service not named in this ordinance are subject to agreement, but without discrimination for similar service rendered between the Ann Arbor Water Company and the applicant for such service.

SEC. 5. The Water Company may collect all schedule rates quarterly in advance on the first day of January, April, July and October, and may turn off the water from any premises for non-payment of rates herein specified. For water measured by meter, the Water Company may collect monthly.

SEC. 6. Water consumers vacating premises must

notify the Water Company at its office, that water may be turned off, and may be held responsible for water rates until such notice. When there is a change of residence the water consumer may have the overpayment refunded. For turning on or turning off water from any premises, the Water Company may charge a fee of 25c, but no person shall turn the water on any premises until application for service is filed at the office of the Water Company, and opportunity is given the Company to inspect the fixtures upon the premises.

SEC. 7. It shall be unlawful for any person or persons to use or permit use of water for other purposes than those for which water rates are paid.

SEC. 8. The inspector or other authorized agent of the Water Company, or an officer designated by the mayor of the city for that purpose, shall have access, at all reasonable hours, to premises upon which water furnished by the Company is used, for the inspection of all pipes, meters, fixtures, and connections for furnishing water to such premises.

SEC. 9. No person or persons other than the Chief of the Fire Department, or persons specially authorized by the Chief of the Fire Department, or the Water Company, shall open any of the fire hydrants, or in any manner injure or molest any of the said hydrants.

SEC. 10. The Ann Arbor Water Company may make rules for the regulation of its service not inconsistent with the provisions of this ordinance, or other regulations made by the common council; provided, that no such rule shall be made or enforced by the Company, except in case of extended conflagration, restricting the free use of water for domestic purposes, but only to prevent needless and wanton waste.

SEC. 11. Any person or persons violating the pro-

visions of this ordinance, and any agent or employee of the Ann Arbor Water Company collecting or receiving greater sums for supplying the inhabitants of the City of Ann Arbor with water for domestic use than the sums herein specified, or unjustly discriminating between the same in the charges made or services rendered, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding twenty-five dollars and the costs of prosecution of each offense. In imposing such fine, the court shall have power and authority to commit the offender to the county jail until the fine is paid, or for a period not exceeding thirty days.

SEC. 12. The ordinance entitled: "An Ordinance to Determine, Define and Fix the Rates to be Charged the Inhabitants of the City of Ann Arbor by the Ann Arbor Water Company, for Domestic Purposes. and to Repeal an Ordinance Entitled 'An Ordinance to Determine, Define and Fix the Rates to be Charged the Inhabitants of the City of Ann Arbor for Water for Domestic and Other Uses, by the Ann Arbor Water Company, Passed December 16, 1901, and Approved December 20, 1901,'"—Passed March 10, 1902, and Approved March 11, 1902,—is hereby repealed.

SEC. 13. This ordinance shall take effect on and after July 1, 1906.

An Ordinance to Provide a Tribunal for Hearing, Investigating, Reporting and Advising Upon, Complaints Relative to the Water Service and Supply to the City and Its Inhabitants.

(Passed March 12, 1906; approved March 16, 1906.)

Whereas, the common council may prescribe such just and reasonable terms, restrictions and limitations in reference to charging and collecting compensation for the supply of water to the city and its in-

habitants, as it may deem proper, and protect the same from the imposition of undue or excessive charges; and

Whereas, in order that the common council may act intelligently in the matter, and with fairness to all, it is desirable to create a tribunal to hear all complaints relating to the service and supply of water to the city and its inhabitants, therefore,

The Common Council of the City of Ann Arbor ordain:

That there is hereby created a Board of Complaint to be composed of three freeholding electors of the City, to be appointed by the Mayor on the first Monday in May of each year, and to hold their offices from the second Monday in May and until their successors are appointed and qualified. Such Board shall have power to hear, investigate, report upon and advise the council upon every complaint relative to the water supply and service to the City and its inhabitants, whether made by individuals or by the Ann Arbor Water Company, and whether by or against said Company. Such complaint shall be made in writing, and after reasonable notice shall be given to the party against whom the complaint is made, specifying the cause of the complaint and the time when the matter complained of occurred, a public hearing shall be had if desired by either party. The said Board may require affidavits or other evidence, and are authorized to make investigations in such way as they deem best, subject to an opportunity to be heard by the party charged with the failure or non-performance of duty or other improper conduct. Such Board may hold meetings at such times as they may find necessary, in such places as may be assigned to them by the City Clerk. They shall report in writing at least once a month to the Common Council, setting forth the number and nature of complaints made be-

fore them, their conclusions in the matter, with their reasons therefor, and such recommendations for action by the Council as they may deem proper. One of their number to be selected by themselves shall act as chairman, and another likewise chosen shall act as their secretary, and a majority shall constitute a quorum to do business. The secretary shall keep a record of their proceedings, to be signed by the chairman, and these records shall be deposited in the office of the City Clerk, to be kept on file therein, and shall be public records of the City.

This ordinance shall take effect and be in force from and after its legal publication.

**An Ordinance to Require Certain Reports to be Made
by the Ann Arbor Water Company to the
Common Council.**

(Passed March 12, 1906; approved March 16, 1906.)

Whereas the Ann Arbor Water Company has contracted and agreed to furnish the City and its inhabitants with water for domestic and other purposes, at reasonable rates, and

Whereas the Common Council of the City of Ann Arbor is authorized to prescribe such just and reasonable terms, restrictions and limitations upon the Ann Arbor Water Company, in reference to charges and compensation for the supply of water to the City and its inhabitants, as it may deem proper, and to protect the same from the imposition of undue or excessive rates or charges, and

Whereas certain information is necessary for the proper adjustment of rates and charges, therefore,
The Common Council of the City of Ann Arbor Ordain:

It is hereby made the duty of the Ann Arbor

Water Company, and the said Company is hereby required, on or before the first day of February in each year, to make and file with the City Clerk, under the oath of the President, Secretary, Treasurer, or Manager of such Company, an annual report in writing, stating the following items for the preceding year ending Dec. 31st, that is to say:

1. The total amount of money actually and in good faith invested in all property used in procuring, collecting, purifying and distributing water to the City and its inhabitants, on and up to the preceding Dec. 31st.

2. The actual amount of the foregoing sum invested, derived from the sale of bonds, from payments upon stock issued by the Company, and from earnings derived from the operation of the Company.

3. The total gross income from all sources for the year, specifying the amount received from the City, from the University of Michigan, from commercial purposes, and from domestic services.

4. The total operating expenses for the year, including and specifying the amount paid for salaries, for fuel, for repairs, for taxes, for insurance, and other operating expenses.

5. The sums paid for renewals, extensions, interest and dividends.

6. The number of, and the amount received from, each of the following:

Barber shops, with one chair; additional chairs. Bakeries, using 1 bbl. of flour daily; each additional barrel used. Banks. Beer tubs. Bath tubs, private family; additional tubs. Billiard rooms, one table; additional tables. Breweries. Butcher shops. Blacksmiths, one fire; additional fires. Builders' rates, perch of stone; 1,000 brick; plastering, 1, 2, and 3 coats, cubic feet of grouting; square feet of cement walk, 4", 6";

cement cellar and basement floors; cubic feet of concrete; backfilling trenches. Fountains. Revolving lawn sprinklers. Gas works. Green houses. Hotels. Offices and private rooms. Printing offices. Churches. Dwellings, 4-rooms; additional rooms, including those living over stores. Boarding houses. Fraternities. Private stables. Livery stables, horses up to ten; additional horses. Cows. Laundries. Saloons. Restaurants. Soda fountains. Stores of all kinds. Hydrants for stores. Yard and lawn hydrants. Steam boilers, horse power, and days. Water closets, private family; additional closets. Water closets, saloons and boarding houses. Water closets, hotels. Urinals, private; saloons and boarding houses. Manufacturing establishments. Work shops, 5 persons or less; over 5 persons. Tap fees. Quantity of water at the various or special meter rates, including that furnished to the University of Michigan. Other services for which charges are made.

7. The total number of gallons of water pumped, by months, for the year.

This ordinance shall go into effect and be in operation from and after its legal publication.

WEIGHTS AND MEASURES.

An Ordinance to Provide for the Appointment of a Sealer of Weights and Measures and to Prescribe His Powers and Duties.

(Passed February 1, 1904; approved February 7, 1904.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. The City Clerk shall be the Sealer of Weights and Measures for the City of Ann Arbor and as such Sealer of Weights and Measures he shall

have the exclusive power to perform all the duties pertaining to this office and shall, during his term of office, try and prove all scales, beams, weights and measures used in the City of Ann Arbor for the purpose of buying and selling and such as shall be found to conform to the standards kept in his office he shall stamp with the word "approved," or the letter "M" and the year in which said inspection is made; and such as are found not to conform to the standards in his office, he shall stamp with the word "condemned" and the year in which such inspection is made.

SEC. 2. The said City Clerk as such Sealer of Weights and Measures shall be provided by the City of Ann Arbor with a book or books, to be kept in his office, in which he shall register, in alphabetical order, the name of each person whose weights, measures, scales, beams or other instruments, he has inspected; the number and size of the same, and what number of each was approved and condemned with the time of the inspection; and such book shall at all reasonable times be open to the inspection and examination of the public.

SEC. 3. The said City Clerk of said City of Ann Arbor, shall procure at the expense of said city, a complete set of weights, measures, scales and beams, in conformity with the standards kept by the Clerk of the County of Washtenaw, which shall be tried, proved, sealed and certified by the County Clerk or the Treasurer of the State, by the standards remaining in the office of said clerk or treasurer, and such weights, measures, scales and beams, so tried, sealed and certified, shall be delivered to and kept by such Sealer of Weights and Measures as standards for said City of Ann Arbor; and said clerk shall also have a seal similar to the State seal to be kept by him as the said Sealer of Weights and Measures for said city.

SEC. 4. Said Sealer of Weights and Measures shall have the care and custody of the standard weights and measures, scales and beams used in the City of Ann Arbor for buying and selling, and having tried and proved the same by the city standards.

SEC. 5. Said Sealer of Weights and Measures shall go at least once in every year and as much oftener as he deems necessary to the houses, stores or shops of such merchants and traders and of such other inhabitants of the city using scales, beams, weights and measures for the purpose of buying and selling and having there tried and proved the same, he shall seal such of them as are accurate, and mark "condemned" those not accurate.

SEC. 6. It shall also be the duty of the said Sealer of Weights and Measures at least once in each year, and as much oftener as he deems it necessary, to inspect all wood boxes, racks or measures used by wood dealers in said city from which is sold or offered for sale, or delivered, sawed, or sawed and split wood by the cord, half cord or less quantities; and all such boxes, racks or measures found conformable to the standard (which standard shall not be less than one hundred and fifty (150) cubic feet for a cord, and not less than seventy-five (75) cubic feet for a half cord), the standards for wood racks to be 8 feet by 4 feet to be kept in his office he shall stamp with the word "approved" or with the letter "M" and the year in which each inspection is made, and all such boxes, racks and measures found not conformable to the standard in his office, he shall stamp with the word "Condemned," and the year in which such inspection is made.

SEC. 7. No person shall neglect or refuse, at any time, to exhibit any weights, measures, scales, beams or other instruments used by him or her in weighing or measuring, or any box, rack or measure, from

which is sold or offered for sale, or delivered, any sawed, or unsawed and split wood in any quantity, to the Sealer of Weights and Measures when demanded by him, or his authorized assistants, for the purpose of having the same inspected.

SEC. 8. No person shall, within the City of Ann Arbor, use for buying or selling, any weights, measures, scales, beams or other instruments, or for buying, selling or delivering, sawed, or unsawed and split wood in any quantity any box, rack or measure, unless the same has been inspected and stamped "approved" or with the letter "M" by the Sealer of Weights and Measures, as provided herein. And all boxes, racks and measures from which sawed, or sawed and split wood is sold, offered for sale or delivered shall be bound by an iron band running around the upper edge of said boxes or measures. *Provided*, That this ordinance shall not apply to lumber scraps used for kindling purposes, and further, *provided*, that it shall be lawful for any one to deliver split wood and kindling to the value of one dollar (\$1.00) without using the box or measure herein prescribed.

SEC. 9. No person shall sell or deliver any coal, hay or straw, either in bulk or bale, within the limits of the City of Ann Arbor, unless there shall be delivered to the person in charge of the wagon or conveyance used in delivering such coal, hay or straw, a written certificate, duly signed by the person selling the same, and showing the weight of the coal, hay or straw purported to be delivered, the weight of the wagon or conveyance used in such delivery, the total weight of the coal, hay or straw and conveyance, the date of weighing the same and the name of the purchaser.

SEC. 10. No person in charge of the wagon or conveyance used in delivering coal, hay or straw, to whom the certificate mentioned in the preceding sec-

tion has been delivered, shall neglect or refuse upon demand to exhibit such certificate to the Sealer of Weights and Measures of said city, or to his assistant or to any person designated by him, or to the purchaser of the coal, hay or straw being delivered; and when said officer or the persons so designated or such purchaser shall demand that the weight shown by such certificate shall be verified, it shall be the duty of the person delivering such coal, hay or straw, to convey the same forthwith to some public scale in the city, or to any private scale in the city where the owner thereof shall consent to such use, and to permit the verifying of the weight shown and shall, after the delivery of such coal, hay or straw return forthwith with the wagon or conveyance used to the same scale and verify the weight of such wagon or conveyance.

SEC. 11. It shall be the duty of the Sealer of Weights and Measures to inspect or cause to be thoroughly inspected and tested, the weight of coal, hay or straw sold or delivered as aforesaid within the City of Ann Arbor, and to take the necessary proceedings and make the necessary complaints to enforce the provisions of this ordinance.

SEC. 12. The fees to be charged and collected for the services of the City Clerk as such Sealer of Weights and Measures, and which shall belong to him, shall be as follows: For inspecting and sealing scales of from three to ten tons capacity, each one dollar (\$1.00); for inspecting and sealing dormant scales, each fifty cents; for inspecting and sealing beam weighing one thousand pounds and upwards each thirty-five cents; for inspecting and sealing movable platform scales each thirty-five cents; for inspecting and sealing counter scales, each twenty cents; for inspecting and sealing wood racks, each twenty-five cents; for inspecting and sealing every

patent balance, steelyard or other instrument for weighing, other than above enumerated, each twenty cents. And with each scale seal delivered by him he shall inspect and seal one set of weights, without any additional charge or compensation. For inspecting and sealing any dry measure, each two cents. For inspecting and sealing any board or cloth measure each two cents.

SEC. 13. No person or persons shall obstruct, or in any manner impede or wilfully delay the said Sealer of Weights and Measures in the execution of his duties under this ordinance, either by refusing him or delaying his entrance or admission into any and all of the places above mentioned; and no person or persons shall refuse or omit to stop any wagon or conveyance as aforesaid whereby the due execution of this ordinance or any part of it shall be impeded or obstructed; and any person or persons who shall sell or attempt to sell, deliver, or attempt to deliver any coal, hay or straw of less weight than that purported to be delivered or sold by the certificate mentioned in Section 10 of this ordinance, shall be deemed guilty of a violation of this ordinance.

SEC. 14. Nothing in this ordinance shall be construed to prohibit the said City Clerk as such Sealer of Weights and Measures, from employing or deputizing one or more assistants in the performance of the duties in this ordinance enumerated, without cost or expense to the said city of Ann Arbor.

SEC. 15. Any person or persons who shall violate any of the provisions or requirements of this ordinance, on conviction thereof, shall be punished by a fine of not more than one hundred dollars, together with the costs of prosecution, or by imprisonment in the county jail of the county of Washtenaw for a period of time not more than ninety days, or by both

such fine and imprisonment in the discretion of the court before whom such conviction is had.

SEC. 16. All ordinances or parts of ordinances conflicting or inconsistent with the provisions of this ordinance, or any part hereof, are hereby repealed.

SEC. 17. This ordinance shall take effect and be in force on and after ten days from legal publication

PAYING OVER PUBLIC MONEY.

An Ordinance Relative to the Paying Over of Money Received for the City by Public Officers.

(Passed January 6, 1896; approved January 7, 1896.)

*The Common Council of the City of Ann Arbor Or-
dain :*

SECTION 1. That all money collected or received for said city from fines, fees, penalties, or from other sources, by any officer thereof except justices of the peace, under the authority of any statute of the state of Michigan or ordinance of said city, shall be paid by such officer into the city treasury, on or before the last day of the calendar month in which the said money was received or collected. The city treasurer shall issue a receipt in duplicate for any such money to the officer paying in the same, who shall file one of said receipts with the city clerk.

SEC. 2. It shall be the duty of all officers of this city entitled to receive money for said city under the authority of any statute of the state of Michigan or any ordinance of this city, to file an itemized statement in the office of the city clerk upon the last day of each calendar month, of all money received by them for said city in and during said month: *Pro-
vided*, That nothing contained in this section shall be construed to apply to justices of the peace.

This ordinance shall take effect and be in force on and after legal publication.

FENCE VIEWERS.

An Ordinance to Provide for the Appointment of Fence Viewers.

(Passed August 4, 1851.)

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor:

SECTION 1. That it shall and may be lawful for the common council, annually, to appoint one fence viewer in each ward, who shall hold their offices until the first Monday in June next after their appointment, and until their successors shall be appointed and qualified, who shall, before entering upon the duties of their office, take the usual oath of office, and who shall severally have the same powers and be authorized to perform the same duties, and be entitled to the same compensation, and liable to the same penalties for neglect of duty, as fence viewers, under Chapter 18, title 4, of the revised statutes of the State of Michigan, passed and approved May 18, 1846.

REVISION OF ORDINANCES.

An Ordinance to Repeal Certain Ordinances and Parts of Ordinances and to Give Effect to the Revised Ordinances of 1896.

(Passed March 9, 1896; approved March 10, 1896.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. The following ordinances and parts of ordinances are hereby repealed, with all ordinances

amendatory to the same, the said ordinances being entitled as follows, to wit:

"An ordinance relative to the fire department of the city of Ann Arbor," passed June 17, 1851.

"An ordinance relative to the prevention of fires," passed June 17, 1851; as amended by an ordinance entitled "An ordinance amendatory of sections seven and eight of ordinance number four," (relative to the prevention of fires), passed July 2, 1860; and as amended in Sections 9 and 10 by ordinance entitled "An ordinance relative to the prevention of fires," passed April 18, 1888.

"An ordinance relative to sidewalks," passed June 17, 1851.

"An ordinance declaring the recorder of the city ex-officio city clerk," passed September 30, 1851.

"An ordinance relative to city wards," passed March 22, 1852.

"An ordinance relative to the assessment and collection of a poll tax and to streets," passed May 24, 1852.

"An ordinance relative to mad dogs," passed August 16, 1852.

"An ordinance relative to paying over money received for fines, etc.," passed June 18, 1855.

"An ordinance relative to breaches of the peace and disorderly conduct," passed August 4, 1856; as amended by an ordinance entitled "An ordinance amendatory of Section 7 of ordinance number 25, relative to breaches of the peace and disorderly conduct," passed June 5, 1865; and as amended in Section 4 by an ordinance entitled "An ordinance relative to breaches of the peace and disorderly conduct," passed December 3, 1888.

"An ordinance relative to disorderly conduct, etc.," passed February 18, 1857.

"An ordinance to prohibit gaming within the city of Ann Arbor," passed May 6, 1857.

"An ordinance relative to the election of a collector," passed March 11, 1861.

"An ordinance relative to pounds and to prevent cattle running at large," passed June 3, 1861; as amended in Section 3 by an ordinance entitled "An ordinance relative to pounds and to prevent cattle running at large," passed June 7, 1880.

"An ordinance to amend an ordinance relative to pounds and impounding cattle," passed June 2, 1862.

"An ordinance to provide for numbering the buildings fronting on the streets and avenues in the city of Ann Arbor," passed July 11, 1864.

"An ordinance for the preservation of order and quiet in the city of Ann Arbor," passed September 4, 1865.

"An ordinance for the establishment and regulation of a board of health of the city of Ann Arbor," passed November 10, 1865.

"An ordinance supplementary to ordinance number 4, relative to the prevention of fires," passed November 20, 1865.

"Ordinance number 58; of drays," passed May 11, 1868.

"An ordinance amendatory to ordinance number 4, relative to the prevention of fires," passed October 24, 1870.

"An ordinance relative to grading and paving streets, lanes and alleys," passed April 17, 1871.

"An ordinance to prevent the violation of the Sabbath," passed January 24, 1872.

"An ordinance to organize and regulate a police of the city of Ann Arbor," passed February 5, 1872.

"An ordinance to abate and remove nuisances and preserve health," passed March 4, 1872; as amended by an ordinance entitled "Amendment to Section 15 of an ordinance entitled, 'An ordinance to abate nuisances and preserve health'" (being Chapter 19, Revised Ordinances of 1876), passed July 7, 1881.

"An ordinance to preserve the statistics of the city of Ann Arbor in regard to the public health," passed February 16, 1874.

"An ordinance relative to Allen's creek," passed June 11, 1866.

"An ordinance for the protection of bridges and streets," passed June 11, 1866.

"An ordinance for the protection of bridges and streets," passed December 6, 1875.

"An ordinance to give effect to the revised ordinances of 1876," passed February 7, 1876.

"An ordinance relative to billiard tables, saloons, etc.," passed January 24, 1872.

"An ordinance relative to public markets," passed September 19, 1876.

"An ordinance to repeal an ordinance relative to billiard tables, saloons, etc.," passed October 1, 1877.

"An ordinance regulating the use of the public streets and other public places by persons known as bootblacks and newsboys, in plying their trade or business," passed January 7, 1878.

"An ordinance to preserve public peace and good order," passed September 1, 1879.

"An ordinance relative to auctioneers," passed May 2, 1881.

"An ordinance relative to hackney carriages and omnibuses," passed May 1, 1882; as amended in Section 12 by an ordinance entitled "Ordinance relative to hacks, etc.," passed January 3, 1887.

"An ordinance to prohibit the obstruction of streets by railroad trains, railroad cars and locomotives," passed July 3, 1882.

"An ordinance relative to saloons," passed April 27, 1883.

"An ordinance relative to inflammable goods," passed March 3, 1884.

"An ordinance relative to the property of the Telephone and Telegraph Construction Company, of the

Ann Arbor Thompson-Huston Electric Light Company, of the Edison Electric Light Company, and of any telegraph company doing business in the city of Ann Arbor," passed September 5, 1887.

"An ordinance prohibiting the posting of certain bills, notices or advertisements," passed March 4, 1889.

"An ordinance relative to police force," passed June 3, 1889, and approved June 11, 1889.

"An ordinance relative to fire limits and fires," passed December 9, 1889, and approved December, 1889; as amended by an ordinance entitled "An ordinance to amend section 1 of an ordinance relative to fire limits and fires," passed June 19, 1893, and approved June 21, 1893.

An ordinance relative to smokestacks and chimneys, "Ordinance No. 77," passed December 28, 1872.

"An ordinance relative to porters, runners and drivers," passed January 6, 1890, and approved January, 1890; as amended by an ordinance entitled "An ordinance to amend Sections 2, 4 and 7 of an ordinance entitled 'An ordinance relative to porters, runners and drivers,' passed January 6, A. D. 1890," passed March 27, 1890, and approved April 1, 1890.

"An ordinance relative to the use of streets, alleys and public places," passed February 3, 1890, and approved in February, 1890; as amended by an ordinance entitled "An ordinance to amend Section 34 of an ordinance entitled 'An ordinance relative to the use of streets, alleys and public places,' passed February 3, A. D. 1890," passed March 27, 1890, and approved April 1, 1890; as amended by an ordinance passed October 10, 1892, and approved October 12, 1892, entitled "An ordinance relative to the use of sidewalks and to amend Section 3 of an ordinance relative to the use of streets, alleys and public places;" and as amended by an ordinance passed March 6, 1893, and approved March 11, 1893, entitled "An

ordinance to amend Sections 9, 11, 13, 15, 30 and 34 of an ordinance relative to the use of streets, alleys and public places."

"An ordinance relative to disorderly persons and disorderly conduct," passed March 27, 1890, and approved April 1, 1890; as amended by an ordinance passed March 6, 1893, and approved March 11, 1893, entitled "An ordinance to amend Sections 7, 9, and 11 of an ordinance relative to disorderly persons and disorderly conduct, passed March 27, 1890."

"An ordinance relative to the public health," passed June 16, 1890, and approved June 18, 1890.

"An ordinance relative to nuisances and to regulate the confinement of swine within the city limits," passed October 3, 1892, and approved October 6, 1892.

"An ordinance relative to nuisances and to prohibit the burning of refuse matter during certain hours within the city limits," passed October 3, 1892, and approved October 6, 1892.

"An ordinance relative to nuisances and to prohibit the maintenance of slaughter houses, and the slaughtering of animals within the city limits," passed December 5, 1892, and approved December 6, 1892.

"An ordinance supplementary to an ordinance relative to disorderly persons and disorderly conduct," passed March 6, 1893, and approved March 11, 1893.

"An ordinance to regulate the use of firearms," passed March 27, 1890, and approved April 1, 1890.

"An ordinance to prevent injury to wells," passed July 7, 1862.

"An ordinance to prevent the sale of intoxicating drinks to students and minors and to prevent their being permitted to play at games of chance where such drinks are sold," passed November 2, 1874.

"An ordinance relative to the licensing of vehicles," passed October 7, 1889, and approved October 17, 1889.

"An ordinance relative to the establishment of grades for avenues, streets, lanes, alleys and sidewalks," passed October 17, 1888.

SEC. 2. The repeal of the ordinances enumerated in Section 1 of this ordinance shall not effect any act done or any right accrued or established, or any suit had or commenced for any purpose whatever before the time when such repeal shall take effect; nor shall any offense committed, or penalty or forfeiture incurred under any ordinance hereby repealed, and before such repeal takes effect, be affected by such repeal; and all suits pending and all prosecutions for any offense committed or penalty incurred, may be proceeded with, or prosecuted to final judgment and execution as if such repeal had not taken place.

SEC. 3. The ordinances of this city in force upon the 31st day of March, A. D. 1896, shall be printed in book or pamphlet form under the direction of the ordinance committee and said publication shall be known as the Revised Ordinances of 1896.

This ordinance shall take effect and be in force on and after March 26, A. D. 1896.

An Ordinance Providing for the Revision and Consolidation of the Ordinances of the City of Ann Arbor.

(Passed May 6, 1907; approved May 7, 1907.)

Whereas, it is deemed expedient that the ordinances of the city of Ann Arbor be revised, amended, changed and consolidated and all obsolete and inoperative ordinances now encumbering the book of ordinances and the records of the city be formally repealed; now, therefore,

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. That the revision and consolidation

of the ordinances prepared under the supervision of the city attorney and the ordinance committee be and hereby are declared and adopted as the ordinances of the city of Ann Arbor.

SEC. 2. All ordinances and parts of ordinances not included in said revision and consolidation, shall be, and the same hereby are repealed.

SEC. 3. All rights, actions, prosecutions, contracts, claims and rights of individuals, private, public and municipal corporation, which may have issued, commenced, made, risen or secured under any ordinances which may have been, is, or are repealed, changed, amended or modified by the said revision and consolidation of the ordinances of the city of Ann Arbor, shall continue and be in force to the same extent, and in the same manner, as if no change, repeal, modification or amendment had taken place by the said revision and consolidation of the ordinances of the city of Ann Arbor.

SEC. 4. Said revision and consolidation of the ordinances of the city, together with the compilation of the charter of the city of Ann Arbor, are hereby ordered to be printed in book form under the title, "Amended Charter and Revised Ordinances of the City of Ann Arbor, Michigan, 1907."

SEC. 5. This ordinance shall take effect ten days after legal publication.

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